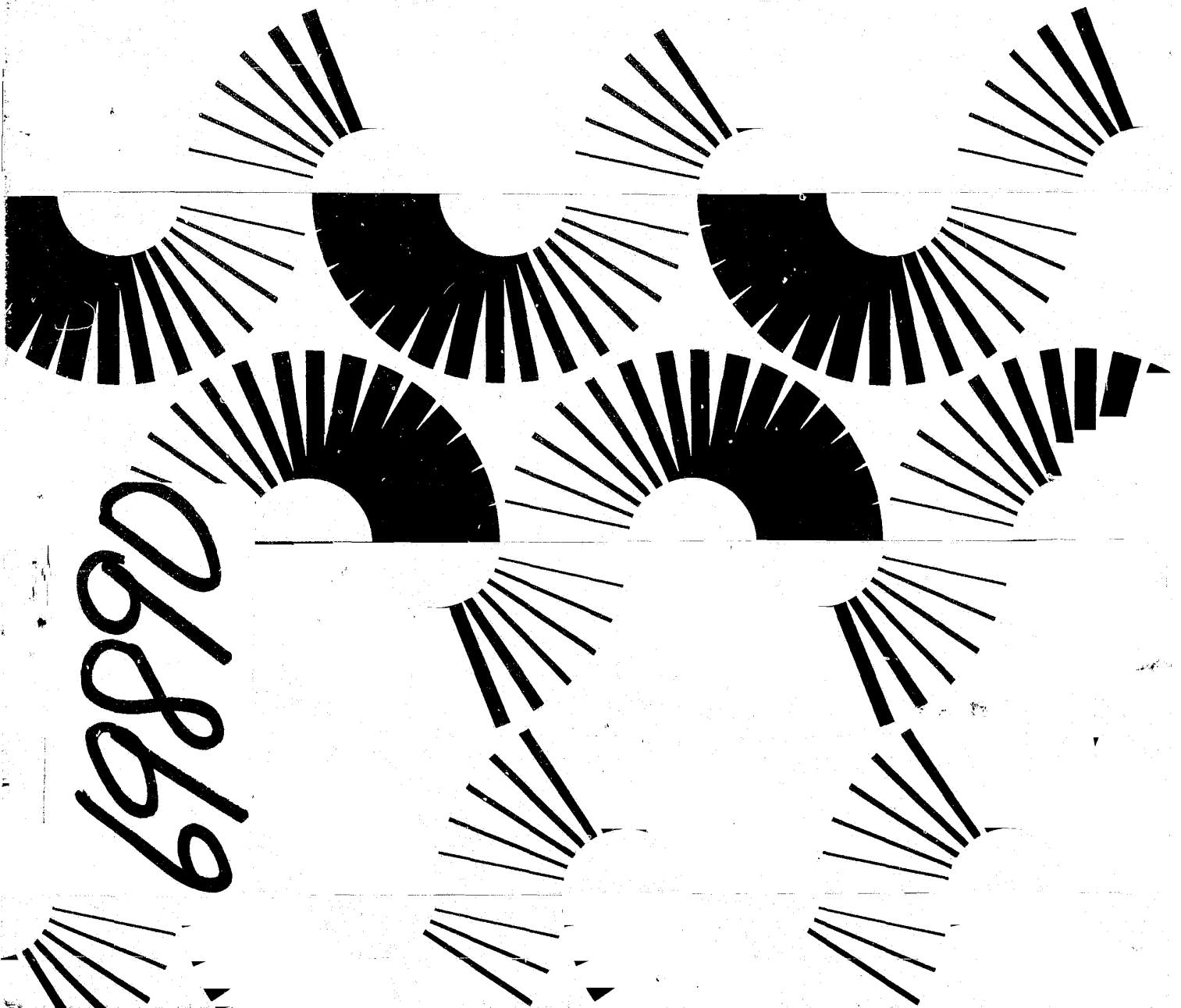


ACCOUNTABILITY IN ACTION

THE RESTITUTION ALTERNATIVE
PORTLAND, MAINE



Dear Reader;

Accountability In Action is a document designed to portray the structure and workings of The Restitution Alternative, a juvenile justice system agency that provides services to juvenile offenders and their victims. Funded by The Office of Juvenile Justice and Delinquency Prevention and the Maine Criminal Justice Planning and Assistance Agency, the project exists to provide accurate information to the courts upon which to make a decision regarding restitution and to facilitate the payment of that restitution from the juvenile to the victim. In addition, project staff provide support services to both victims and juveniles.

This manual is a concise, factual description of the agency, however, the full story of this project and similar efforts is that of the people who have been instrumental in its existence. In determining in what manner and to whom to apportion credit in this introduction, it became apparent that we could hardly name everyone who had played a part in the development and implementation of this project, and yet...to give only general acknowledgements would not begin to present an accurate picture of the multiplicity of influences that comprise The Restitution Alternative.

The following narrative, while incomplete, includes those groups and individuals most responsible for TRA as presented in this document.

Charles W. Sharpe, Sheriff of Cumberland County is President of the Advisory Board for TRA. The Restitution Alternative was his idea, and his influence provided the initial concept, staff and office. In his program efforts for children, for the handicapped and for the unfortunate in all walks of life, the Sheriff is a futuristic planner. His commitment has been complete, long-term and unswerving.

The Maine Criminal Justice Planning and Assistance Agency provided the initial funding for office space and supplies as well as staff assistance in program development. Former Executive Director, Ted Trott, made the resources of his agency available, frequently at a moment's notice. Juvenile Justice Specialist Tom Kane and Fiscal Officer Dick Perkins assisted in the original program design, proposal writing and budget matters. Tom continues to be involved as a Board Member, and Dick as the new Executive Director of MCJPAA.

Restitution, of course, is not a new concept. It has been used in one form or another since primitive societies. In the United States, however, the concept of restitution as a formal dispositional alternative has been advanced significantly through the work of Joe Hudson and Burt Galaway of the University of Minnesota School of Social Work at Duluth. Their

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article in Considering the Victim entitled: "Sin, Sickness and Restitution" provided the theoretical foundation for the program design. Hudson and Galaway have been consultants for the national Juvenile Restitution Initiative and in that role have provided input leading to key refinements in the restitution process.

The specific method and amount of restitution are determined in a conference between the juvenile offender and his/her victim. This negotiation model is based on the Interactional Principles and Skills developed by Dr. Gale Goldberg of the University of Louisville Kent School of Social Work. Dr. Goldberg's work with Dr. Ruth Middleman: Social Service Delivery: A Structural Approach to Social Work Practice as well as her training of Restitution Alternative staff members proved to be a watershed in the thinking of many of those staff regarding interactions with clients, both juveniles and victims.

Henry Berry, District Attorney for Prosecutorial District #2 provided vigorous opposition to the establishment of the project in its early stages because of a staunch belief that scarce resources should be used to solidify or enhance existing programs, not create new "exotic" experiments. However, when the project became a reality in spite of those objections, the Office of the District Attorney enhanced the project efforts through requesting restitution both in sentencing and through negotiated pleas. Mr. Berry has issued legal opinions on request and provided programmatic direction in terms of appropriate target population.

The Judges of the Maine District Court make referrals to the project and have responded positively to program goals and objectives. Portland resident Judge Bernard M. Devine, a long-time Trustee of the Association of Juvenile and Family Court Judges, and noted family and juvenile jurist in the State of Maine, has been supportive from early stages - available at critical points to provide programmatic guidance, access to information and direction in specific cases. Chief Judge Nicholas Danton signed the original court agreements to make referrals to the project and, with his concern for victims of crime, has provided inspiration and direction in the development of the victim services component.

Funded as part of a national demonstration effort, The Restitution Alternative has worked closely with Doug Dodge, Program Manager, and Bettina Wallach, Grant Monitor, at the Office of Juvenile Justice and Delinquency Prevention, Special Emphasis Division. In addition, the National Office for Social Responsibility - the Technical Assistance Contractor for the Juvenile Restitution Initiative - provides on-going support. Joe Lynch and Gerry Waldron insisted on the initial draft of the operations manual from which this final (at least as final as any operations manual) draft emerged. Along with their insistence came assistance in the form of a solid four-day stretch during which we hammered out the beginnings of the standardized procedures which provide the foundation for any strong project.

Gary B. Smith and Associates of Kennebunkport, Maine, and Columbia, South Carolina, have the process evaluation contract for The Restitution Alternative, but have invested time and energy far beyond the requirements

of the contract. Bill Halacy authored the narrative part of this manual and designed the TRA records system which allows for orderly case management and retrievable data. Gary Smith has provided refined procedures, management advice and counsel and frank appraisal at key junctures in implementation. In all ways, Gary and Bill have proved to be astute analysts, firm critics and trusted advisors.

On a day-to-day basis, the project has benefitted from the input of staff members, student interns, community mediators, Advisory Board members and clients both victim and juvenile. The Restitution Alternative is reflective of these people. Their ideas, inspiration and criticism are incorporated in the program as it operates today.

We hope you will find this manual useful to you as you work to advance the cause of justice.

Very truly yours,

Donna Gilbeau
Executive Director

DG/lh

This work was prepared under Grant Number 78-ED-AX-0168 awarded to The Restitution Alternative by the Special Emphasis Division, Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, U.S. Department of Justice. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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THE RESTITUTION ALTERNATIVE

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THE RESTITUTION ALTERNATIVE

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A. INTRODUCTION

This report describes the organization and activities of The Restitution Alternative (TRA), a juvenile diversion project designed as an alternative to the incarceration of juveniles convicted of committing criminal acts. The project serves to document for the courts those cases in which restitution is a viable disposition. Project staff supervise juveniles in the provision of restitution to their victims and secure needed social services for both the juvenile client and the victim. The report is organized in to the following six sections:

- B. The Role and Mission of The Restitution Alternative provides an overall summary of the project's functions and the operations by which those functions are fulfilled.
- C. Program Environment provides a description of the social, geographic, political and philosophic framework within which TRA exists.
- D. Program Management describes the project's governance, organizational structure and budget.
- E. Program Services is the heart of the report and presents a detailed description of the day-to-day activities carried out by the agency.
- F. Evaluation provides a summary of the project's evaluative efforts and results tabulated to date.
- G. Conclusion presents a brief summary of the benefits to be gained through the operation of restitution projects in general and The Restitution Alternative in particular.

A companion volume, The Restitution Alternative Operations Manual, which provides detailed information on agency policy, procedures, job descriptions and forms employed is also available from TRA.

B. THE ROLE AND MISSION OF THE
RESTITUTION ALTERNATIVE

The Restitution Alternative was established in January of 1978 under the sponsorship of Cumberland County and with the support of the Maine Criminal Justice Planning and Assistance Agency and the Office of Juvenile Justice and Delinquency Prevention, U. S. Department of Justice. The agency operates in cooperation with the Probation Division of the Department of Mental Health and Corrections and the Maine District Courts. Direct oversight of the project operations is provided by an advisory board comprised of criminal justice professionals and lay citizens from throughout Southern Maine.

The project exists to improve the quality of justice for both juvenile offenders and their victims: by identifying juvenile court cases in which restitution is the most appropriate disposition for the benefit of both the victim and the offender; by managing, in conjunction with the Division of Probation and Parole those restitution cases requiring an extraordinary level of services for either the victim or the offender; and by recognizing offender and victim needs emanating from or contributing to the commission of the criminal offense and securing the delivery of services responsive to those needs.

Pursuant to the accomplishment of these functions, The Restitution Alternative carries out a variety of operations. The identification of juvenile cases in which restitution is the most appropriate dispositional alternative is achieved by screening all juvenile court cases scheduled for arraignment within the Southern Maine District Courts. Prior to the time of arraignment, court clerk records are reviewed by a project staff member to identify those where loss to victim may have occurred. Subsequent to this activity, a staff member interviews the victim to document the value of loss and to identify victim service needs. Loss documentation information is supplied to the court at the time of the juvenile hearing.

Following court disposition, the Division of Probation and Parole, utilizing an agreed upon criteria, refers to The Restitution Alternative those cases requiring extensive case management service for either the victim or the offender. A Juvenile Case Manager and A Victim Case Manager are assigned to establish contact with both parties. A restitution contract is developed with the participation of the juvenile, the victim, their respective case manager and a community mediator. In keeping with this restitution plan, the Juvenile Case Manager supports the youth in his/her efforts to restore the victim's loss. This is accomplished by providing job development services, monitoring offender progress, and responding to offender needs as they become apparent. Concurrently, the Victim Case Manager oversees prompt payment to the victim and represents the victim's interest throughout the process.

Throughout the restitution process a major emphasis is placed upon the identification of the service needs of both the offender and the victim and securing the necessary services to fulfill those needs. For the Offender Case Manager this means the recognition of the social, emotional, and educational problems experienced by the juvenile which may have led to his/her criminal behavior. The Victim Case Manager likewise identifies client needs resulting from or contributing to the victimization. In addition, social service needs of either party unrelated to the criminal offense which led to the referral to The Restitution Alternative may also be uncovered. In any event, the respective case manager locates the service agency responsible for answering the client's need and advocates in behalf of the client until such time as his/her need is resolved.

C. PROGRAM ENVIRONMENT

This section provides a description of the social, geographic, political and philosophic framework within which The Restitution Alternative exists.

1. Factors leading to the development of The Restitution Alternative

A variety of factors contributed to the development of TRA. Among them were:

- Statistical evidence that juveniles were responsible for over half of the region's property crime
- A lack of dispositional alternatives available to juvenile court judges confronted with juvenile property offenders
- A developing belief that neither of the two dispositions commonly employed, probation nor incarceration, was effective as an individual or a general deterrent to future delinquent behavior.
- An increasing awareness that the victim remained unrestored regardless of the disposition of the offender
- A revision of the Maine Juvenile Code which encouraged restitution as a sanction in juvenile cases

2. Characteristics of the service area. The Restitution Alternative operates primarily in the two southern most counties in Maine; Cumberland and York Counties. Together the two counties have a combined year round population of approximately 330,000 or roughly one third of the State's population. In addition, both counties experience large increases in population during the summer months with the influx of tourists. Although this is the most densely populated area in Maine, it is still predominantly rural in nature. Cumberland County includes the most populous city in the State, Portland, which has a population of 65,700.

While The Restitution Alternative offices are located in Portland, the project accepts cases from not only the Portland District Court, but also from courts in Bridgton, Brunswick, Biddeford, Springvale and Kittery.

3. Population served. TRA serves adjudicated delinquents and their victims. The juveniles normally must meet the following criteria:

- Be between the ages of ten and eighteen years
- Have been found guilty of a crime involving some monetary loss to a victim such as theft, damage and/or loss of property or medical expenses. (Note: Status offenders, juveniles found guilty of victimless crimes, and juveniles who have not been found guilty through a formal fact finding hearing or a counseled plea before a judge are excluded from participation in the project)

- Have no more than five prior adjudications (excluding status offenses and victimless crimes, i.e., marijuana)
- Have committed the presenting offense against the property of an individual within the jurisdiction of the following courts: Bridgton, Brunswick, Portland, Biddeford, Springvale or Kittery.
- Have no more than three court ordered sanctions involving the payment of restitution, whether or not this restitution payment involved the Restitution Alternative, and have no more than two prior orders of restitution through The Restitutiton Alternative.

The project has on occasion accepted cases not meeting these criteria as a service to the courts. As an example, such a case might have involved the project assisting a juvenile in earning money to pay a court fine for possession of alcohol or marijuana, and locating alcohol or drug counseling for the youth if required.

4. Program Philosophy. The Restitution Alternative is based upon a reconciliative correctional model. While the more commonly encountered positivist and classical schools of corrections disallow rational decision making by the offender, either because he is sick and incapable of making rational decisions or bad and undeserving of the privilege, the reconciliative model encourages it. Under this model the juvenile is encouraged to earn his way back into society's graces by providing reparation to his victim. Unlike the other models in which treatment or punishment is imposed upon a passive offender, restitution requires an active effortful role upon the part of the offender. He exercises that role by participating in a mediation meeting to determine how he will go about repaying his victim and in the actual work carried out to that end. While other correctional models merely require the offender to endure while something is done to him or "for him", the reconciliative model requires that he do something for himself. It is believed that in this fashion the juvenile will learn to assume responsibility for his actions and be less likely to commit criminal offenses in the future.

An additional concern underlying the operation of The Restitution Alternative is justice for the victim. The two traditional correctional models in dealing with the "bad" or "sick" offender ignore the victim entirely. Historically, in criminal cases the defendant is represented by counsel, the State by the prosecution; but no one represents the victim. Any fines exacted from the offender following adjudication go to the State, the victim gets nothing.

The Restitution Alternative provides the victim with a voice. Documentation of the victim's loss is presented to the court prior to disposition in the hope that the court will order restitution as either a sole sanction or in addition to whatever punishment it may impose. In those cases referred to the project, the victim or a victim advocate is allowed to participate in the mediation meeting to determine the amount and type of restitution to be paid by the offender. Finally, any services needed by the victim as a result of the victimization are located by project staff and their delivery to the victim secured. In this fashion, TRA believes it is assuring that justice for the victim is attained.

5. Program Goals. The goals of The Restitution Alternative are as follows:

- To increase the dispositional alternatives available to the District Courts which handle juvenile cases in Southern Maine
- To increase the sense of responsibility of any youth who commits a juvenile offense by utilizing restitution as a mechanism to hold that youth accountable for his/her behavior.
- To restore victims of juvenile offenses to the condition in which they existed prior to their victimization.
- To increase community involvement and confidence in the juvenile justice system.
- To contribute to knowledge about restitution as an effective and fair sanction.

6. The relationship of TRA to other resources serving the same population. The Restitution Alternative enjoys cooperative relationships with over sixty community agencies in the service area. The project itself serves to identify the needs of both the juvenile and the victim involved in a delinquency case and attempts to secure the needed service for the client from the appropriate agencies. Past services acquired for clients have varied from the location of an alternative educational placement for a high school dropout to the negotiation for a special trash pick up at a victim's badly ransacked home. In any event, TRA case managers assess client needs and advocate for the delivery of the needed services.

A vast majority of TRA clients are on probation with restitution as a condition of probation. While either TRA or the Probation Division itself may legally be called upon by the courts to supervise restitution, a cooperative arrangement has evolved between the two agencies in which TRA assumes responsibility in those instances requiring more intensive case management. For example, in the event that a juvenile committed a minor act of vandalism and was ordered by the court to make restitution in the amount of \$25 or \$30, the case would most likely be retained by the Probation Division. Should the amount of damage be in the hundreds of thousands of dollars, the juvenile without a job and/or with additional emotional/social/educational problems, the case would almost assuredly be assigned to the Restitution Alternative.

Inquiries are now beginning to be made into the establishment of a similar relationship between TRA and the Maine Youth Center (the State's only facility for the incarceration of juveniles). Recently, pursuant to the provisions of the revised juvenile code, judges have begun to impose split sentences, requiring a brief period of incarceration followed by restitution to the victim. While The Restitution Alternative was established primarily to be an alternative to incarceration, the concept of reducing the period of incarceration to allow for the provision of restitution appears to suggest that TRA may have a role to play in the future in those cases involving split sentencing as well.

It is in this area of relationships with other agencies, particularly criminal justice agencies, that TRA staff experienced the most difficulty during the initial phases of project operation. By and large the criminal justice community tends to be more conservative in political and social philosophy, demeanor and dress than the staff members employed by TRA. In addition, criminal justice officials are reluctant to accept assistance from federally funded projects which they believe (with a great amount of historical justification) will be gone in two to three years, thus leaving them as bad off or worse off than they were prior to being involved with the project.

As a result of these factors, acceptance was slow in coming. That it came at all is attributable in large part to project staff efforts to involve members of the juvenile justice community in the direct operation of TRA as Advisory Board members, and by actually promoting better communications between the project and criminal justice system operations. In short, it appears that acceptance of a new project such as TRA is to a large part determined by the degree to which the existing agencies feel a part of the project design. It is believed, therefore, that future projects of this type would be well served by involving juvenile justice decision makers early on in the project planning stages. In the early stages of The Restitution Alternative, input was not encouraged from outside agencies; suspicion was high and case referrals were low. As project staff began to encourage input by the juvenile justice community, suspicion declined, and the number of referred cases began to increase.

D.

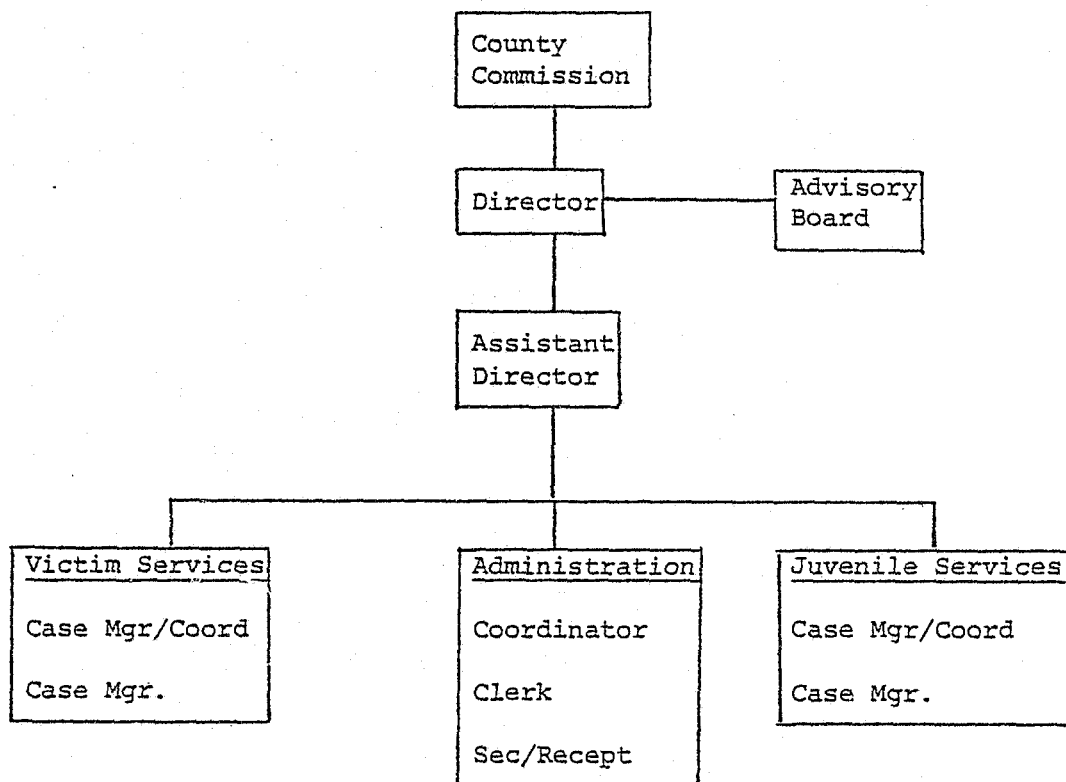
PROGRAM MANAGEMENT

1. Governance: The Restitution Alternative is a United States Justice Department, Law Enforcement Assistance Administration funded project sponsored by the Board of Commissioners of Cumberland County. In addition to the administrative oversight provided by the Commissioners Office, operational matters are considered by an Advisory Board composed of criminal justice and social service professionals and lay citizens. The Board numbers among its members representatives of all levels of government and a variety of disciplines. The Board currently has three active subcommittees: Executive, Evaluation and Program Mission. The role of the first two subcommittees is self-explanatory. The Program Mission Subcommittee is concerned with: the role of TRA in relation to other agencies in the area: the functions it should perform; and which of the TRA functions are to be institutionalized upon termination of the federal grant.

2. Organizational Structure: The Restitution Alternative is divided into three units: Juvenile, Victim and Administration. As their names imply the first two units deal with the juvenile offenders and the victims while the administrative unit is responsible for the provision of all support services to both of the operational units and to the Director and Assistant Director. Figure 1 is a chart of the organization structure of The Restitution Alternative.

FIGURE 1

ORGANIZATIONAL STRUCTURE: THE RESTITUTIONAL ALTERNATIVE



In addition to the full time personnel portrayed, four work study students from area colleges and universities are employed on a part-time basis, with each student averaging sixteen to twenty hours per week throughout the year.

The Restitution Alternative Director, in addition to traditional administrative duties, is responsible for the program's many interfaces with criminal justice and social service agencies and the community at large. The Director carries out public education and public relations activities, maintains oversight of the agency's programmatic, case management and financial activities, supervises staff and volunteer training and prepares annual grant applications and quarterly reports.

The Program's Assistant Director is responsible for supervising the agency's three operational units, maintaining oversight of mediation between victims and offenders, and has overall responsibility for the agency in the Director's absence. Specific duties include the acceptance or rejection of all cases referred to the agency; the assignment of victim and juvenile case managers to specific cases; assigning mediators, determining when mediation between victims and offenders is or is not appropriate; conducting administrative hearings as necessary in cases where the offender violates his or her restitution contract; and directing the coordination of multiple social services where required. The Assistant Director is responsible for the administrative supervision of all professional personnel with the exception of the Director.

The Juvenile Assistance Unit consist of three case managers with the most senior case manager being designated as the unit coordinator. While the small size of the TRA today allows for direct supervision of all professional personnel by the Assistant Director, it is anticipated that in the event that the Juvenile Unit becomes any larger the coordinator will assume supervisory responsibility for that Unit. At present, the coordinator supervises the activities of work-study students assigned to his/her unit and coordinates the case activities of that unit. Both the Juvenile Assistance Unit Coordinator and the Case Managers perform the following duties: follow-up investigation on all cases assigned; intake interviews; assessment of juvenile offender medical, psychological, social, emotional, and educational needs; coordination of needed services; development of the Restitution Plan (contract); monitoring of juvenile work performance and restitution payment; and follow-up on cases once restitution has been completed. Work study students assigned to the unit perform similar activities on very small caseloads (1 to 3 cases) under the close supervision of the Juvenile Assistance Unit Coordinator.

The Victim Assistance Unit Coordinator is responsible for all activities of the victim unit. While this unit currently functions with one fulltime coordinator and two work-study students it is anticipated that an additional fulltime professional will be added shortly. The Victim Assistance Coordinator is responsible for documenting, for the District Courts,

the financial loss by the victim of juvenile crime in each case meeting TRA eligibility criteria, prior to that case being heard by the court. Once a case has been referred to the project, the Victim Coordinator interviews the victim to discern any social service needs which, in addition to the financial loss, may have resulted from the victimization. TRA attempts to be responsive to all of the social service needs of the victim whether or not they are directly related to the criminal victimization. In addition, the Coordinator advocates in support of, or in the absence of, victims at mediation meetings with the juvenile offender. Finally, the Victim Assistance Coordinator monitors the payments of restitution to the victim and actively pursues the acquisition from area agencies of services needed by the victim, as determined at the time of the interview. Presently two work-study students, acting under close supervision, assist the Victim Assistance Coordinator in the accomplishment of the unit's tasks. A Victim Case Manager position is currently open in the unit and when filled the individual's responsibility will be the same as the Coordinator's with the exception of the latter's supervisory role.

The Administrative Unit Coordinator is responsible for all of the administrative activities of the agency, including maintenance of the central records system, maintenance of financial records, financial reporting, and the oversight of the two records systems to insure compliance with grantor agency regulations. Specific duties include the preparation and maintenance of individual case files, the processing and tracking of referred cases prior to their acceptance and assignment, the preparation of quarterly financial reports, preparation of contract documents, preparation of payments records, receipt and routing of all incoming agency mail, and the prioritization and assignment of all typing requests. The Administrative Coordinator supervises the activities of the agency's full-time receptionist and a part-time work-study financial clerk.

The project's Secretary/Receptionist is responsible for the routing of all incoming messages, the maintenance of supplies and the filing of general correspondence. Specific duties include preparation of purchase orders; preparation and filing of correspondence, typing correspondence for all units and answering the telephone. The financial clerk is responsible for all daily financial transactions of the agency and for assisting in the daily preparation of financial reports.

All professional staff are required to have at least a B. A. Degree and client service experience. For the Director and Assistant Director's positions, graduate degrees and administrative experience are also required.

3. Budget and Funding. Figure 2, below, is a presentation of The Restitution Alternative budget for federal FY 1980.

FIGURE 2

INCOME

Grants:

• Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, U. S. Department of Justice	\$150,958
• Maine Criminal Justice Planning and Assistance Agency, State Match	16,773
• Comprehensive Employment Training Act Funds	7,093
TOTAL GRANT INCOME:	\$174,824

EXPENSES

Salaries:

Administrators	\$ 32,177
Professional	48,984
Clerical	16,827
TOTAL SALARIES:	\$ 97,988

EXPENSES Cont'd.

Benefits & Taxes:

FICA	\$ 5,499
Retirement	16,870
Medical Insurance	2,436
Life Insurance	25
Workmen's Compensation	1,554

TOTAL BENEFITS & TAXES: \$26,384

Travel:

In State	\$2,028
Out of State (training)	1,600
Out of State (National Restitution Meetings)	3,600

TOTAL TRAVEL: \$7,228

Purchase of Services:

Work Study Students	\$ 600
Local Evaluation	5,000
Legal Services	4,200
In-State Staff Training	2,000
Administrative Charge by County	7,987

TOTAL PURCHASE OF SERVICES : \$19,787

Direct Client Services:

Transportation for Juveniles	\$4,000
Liability Insurance for Juveniles	387
Meal Allowance for Juveniles	2,500
Employment Stipends for Juveniles	5,000

TOTAL DIRECT CLIENT SERVICES: \$11,887

Services and Supplies:

Rent	\$5,250
Telephone	2,100
Xerox	1,000
Printing and Publication	1,500
Office Supplies	700
Miscellaneous	1,000

TOTAL SERVICES AND SUPPLIES:\$11,550

TOTAL EXPENDITURES:

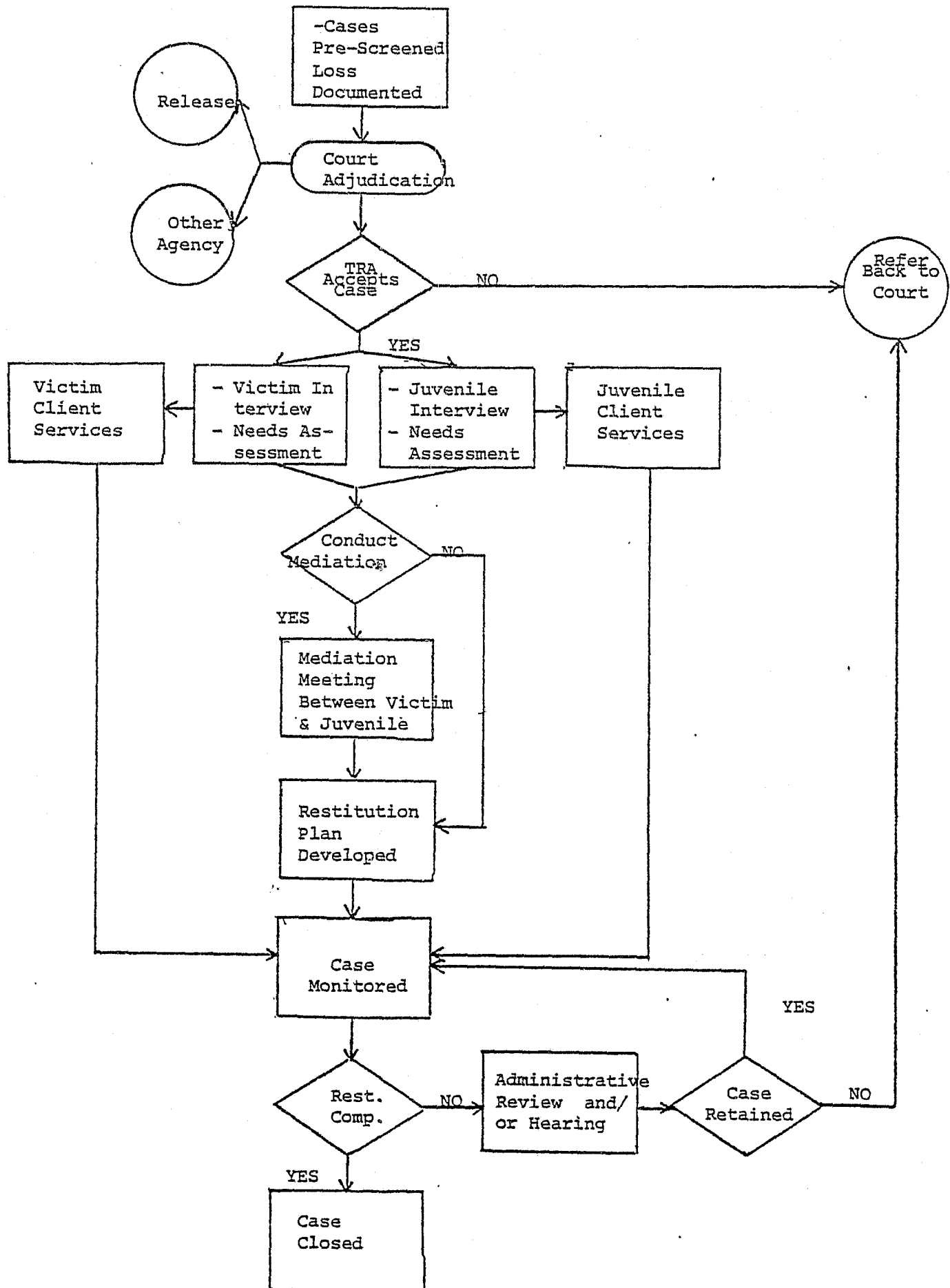
\$174,824

E. PROGRAM SERVICES

The Restitution Alternative delivers essentially three types of service. The first is pre-adjudication case screening, a service to both the court and the victim of juvenile crime, in which the victim's loss is documented and presented to the court prior to disposition. The second service is the actual supervision of restitution by the juvenile to the victim. Finally, acting upon information gained during the execution of the first two services, project staff identify client needs, locate the appropriate agency to respond to those needs, and advocate on behalf of the client until the needed service is adequately delivered. While the first service is conducted prior to actual case referral, the remaining two services are provided simultaneously subsequent to case referral. A simplified portrayal of how cases flow through The Restitution Alternative is presented in Figure 3. A more detailed explanation of each step in the process is contained in the remaining pages of this section.

1. Preadjudication Case Screening. The screening of juvenile cases prior to court hearing (and thus prior to referral to TRA) was begun on a selective basis in the early stages of the project. Initially the screening was done in an effort to determine how many juvenile cases might be appropriately resolved by mediation and to encourage area courts to provide cases to TRA. It was subsequently determined, however, that pre-screening was a valid service, in and of itself, to be provided by the project. It provides accurate documentation of the victim's loss, thus calling to the court's attention, perhaps for the first time, the victim's interest in case disposition. Secondly, it provides the court with a much more detailed picture of the damage caused by the delinquent act than was previously the case. Where in the past the judge was likely to look only at the gross nature of the offense itself (i.e., burglary or larceny) and the offender before him and as a result think strictly in terms of the interests of the offender and society at large, the loss documentation now brings directly before the court the victim's interests as well. As a result, it is believed that more juvenile offenders will receive restitution as a disposition. This is in keeping with one component of TRA's mission statement, to encourage the employment of restitution when it is the most appropriate disposition.

FIGURE 3: A SIMPLIFIED PORTRAYAL OF TRA CASE FLOW



While it is the intent of The Restitution Alternative to eventually carry on pre-adjudication case screening in all six of the district courts within its jurisdiction, this level of activity has not yet been achieved. This is true for a variety of reasons. Pre-screening has been done, off and on, throughout the life of the project; only recently, however, has it been routinized as an on-going activity. The decision was made, therefore, to begin in one court, Portland, and to gradually expand to the other five. The actual documentation of loss incurred in those cases pre-screened is a fairly time-consuming activity and must be absorbed by the project on an incremental basis, particularly in light of the current low level of staffing.

The pre-screening activity itself consists of three phases: identification of eligible cases; documentation of victim loss; and presentation of the loss documentation to the courts. One day a week a member of TRA's Victim Assistance Unit goes to the court clerk's office to review cases scheduled for arraignment for the following week and to acquire hearing dates for those cases previously arraigned and thus already in the pre-screening process. (Originally this activity was carried out by a member of the Administrative Unit, but it was recently transferred to the Victim Unit where it appears to more logically belong). This individual applies the project eligibility criteria to the cases before him/her and selects out those cases meeting the criteria. (The criteria are presented above in the sub-section entitled "Population Served"). Notation is made, on a form provided for this purpose, of docket number, victim, offense, petitioner, juvenile offender, offender's age and date of arraignment. All "Pre-Adjudication Screening Forms" thus completed are turned over to the Victim Assistance Coordinator. At present, approximately twenty eligible cases are identified each week in the Portland District Court alone. This one court is, however, by far the most active of the six within the project jurisdiction.

Upon receipt of the screening forms, the Victim Assistance Coordinator (VAC) reviews the cases to ensure that they do in fact conform to the project's eligibility criteria. Each form is then attached to a folder and placed in a basket awaiting action by the first available Victim Unit staff member. At any time of the day that their other duties allow, staff members, usually work-study students, take a stack of pre-screened cases and make telephone contact with the victim. After explaining the purpose of the project's intervention at this point they attempt to determine the items lost

or destroyed, or the victim's cost for medical damages as a result of the victimization. If the amount of loss is over fifty dollars, if the loss involves a multitude of items or is similarly complex, if personal injury is involved or if the staff member discerns any evidence of trauma on the part of the victim as a result of the offense, a follow-up visit will be arranged. During this visit, the victim unit member will attempt to accurately establish the value of loss, identify any victim needs and begin the process of linking the victim to an agency or agencies which can respond to those needs.

In many cases it is determined over the phone that the victim, in fact, experienced no loss (i.e., the offender was unsuccessful, or stolen property was recovered in its entirety). In any event the completed documentation is returned to the VAC for presentation at the juvenile hearing.

On the date of the hearings, four copies of the documentation of loss are presented to the juvenile probation officer, who serves as administrative court officer, for dissemination to the judge, the defense attorney and the prosecuting attorney. The fourth copy is retained by the probation officer. Subsequent to an adjudication of delinquency the documentation is made available to all parties for consideration prior to sentencing. At present a staff member remains available at the hearing to answer any questions regarding the documented loss. Within a short period of time, however, it is anticipated that court personnel will be sufficiently familiar with the type of documentation provided and TRA presence will no longer be required. At such time, a TRA staff member will appear at court hearings only in those cases which involve an inordinately complex victim loss.

The importance of procedures to insure accurate documentation of loss cannot be over stressed. Only with the consistent application of a detailed methodology to establish value, can project administrators be assured that all victims are being treated equitably. Failure to establish consistent procedures for documenting loss could further result in a legal challenge of the process at the time of the hearing or at the subsequent mediation to establish the restitution contract. In any event, the procedure utilized should serve to identify the actual amount lost to the victim, remembering that the purpose is to restore the victim, not to reward him. The process must, therefore, take into consideration the depreciation or appreciation of property and not just replacement cost.

2. Case Referrals. Cases are referred to The Restitution Alternative in one of two fashions. The court may directly order the adjudicated juvenile offender to make restitution under the supervision of TRA, or the court may place the juvenile on probation with restitution being one condition of that probation. In the latter case the referral will come from the probation department; this is the more common, and more preferred referral process. It is preferred because when a juvenile is on probation an additional sanction (i.e., revocation of that probation) is available to encourage the satisfactory completion of the restitution plan. While this may seem unduly harsh, it must be kept in mind that the project deals with delinquent youth, a characteristic of whose behavior is to constantly test the boundaries placed upon their activities.

3. Case Acceptance. Upon receipt of the documentation for a referral, which usually consists of a copy of the court order and petition, the Administrative Unit begins an in-house tracking process on the case, and delivers it to the Assistant Director (AD) for acceptance or rejection. The AD applies the project eligibility criteria and determines whether or not to accept the case. If it is a case that was pre-screened prior to adjudication it is undoubtedly eligible; cases coming from district courts outside of Portland, however, are not currently being pre-screened, and the eligibility criteria must be applied at this point. In addition, some cases which do not meet all of the eligibility criteria of the project have been accepted as a service to the referral agency. They have been carried as special cases, and have not been included in the data for evaluating the success or failure of the project.

Following the acceptance of a case, the Assistant Director assigns the Juvenile Case Manager and Victim Case Manager who will be responsible for providing service to their respective parties throughout the life of the case. Subsequent to case manager assignments by the AD, the Administration Coordinator establishes case files and initiates all of the necessary records-keeping activities.

4. Victim Interview and Case Service. Upon assignment of a case by the Assistant Director and upon receipt of all case records currently available from Administration, the Victim Case Manager (VCM) initiates contact with the victim. If the case is one which was pre-screened, a large portion of the VCM's work may already have been accomplished, including the initial victim interview, needs assessment and documentation of loss. If these tasks have not previously been accomplished, they are undertaken at this juncture.

Initial contact is usually made by telephone, with the case manager briefly explaining the purpose of The Restitution Alternative and attempting to set up a personal interview at the convenience of the victim. Some victims at this point emphasize that they have experienced little or no loss as a result of the offense and that they do not wish to be involved with the project. Their wishes are honored.

In a majority of cases, however, a personal interview does take place. At this interview the Victim Case Manager explains in detail the juvenile justice system, the role of The Restitution Alternative in that system, and the victim's options for collecting damages through civil suit. If not done previously, the victim's financial loss is documented and an assessment of any additional needs is made. In assessing victim needs the VCM responds not only to needs related to the victimization, but also to any other problems which may be apparent. Some individuals with multiple social service needs are unaware that agencies and programs exist to assist them, and come to light only as the result of a victimization totally unrelated to their most serious needs. When this occurs, referrals are made to the appropriate agency for virtually any type of assistance, from financial assistance to crime prevention training. Regardless of the service required, the Victim Case Manager follows the case, advocating for the victim until the required service is provided.

It is also during this interview that the case manager explains to the victim the two subsequent stages in the restitution process in which the victim may be involved if s/he so chooses. The first of these is the mediation meeting. Where the victim is willing to do so, TRA encourages a face-to-face meeting with the juvenile at the mediation. Such a confrontation allows the victim to express his/her frustration and outrage at having his home violated or his property destroyed. It also serves to humanize the event for the juvenile who in most cases has given little thought to the person he has harmed. The victim may further choose in some cases to have the offender work directly for him in the restoration of the damage. This form of restitution is encouraged in certain cases, if the victim is willing.

The degree of victim involvement, in any case, is only that which the victim desires. If, for example, the victim wishes the offender to be made aware of a particular issue, loss or emotion at the time of the mediation, but does not wish to confront the offender in person, the victim case manager will speak for the victim in his or her absence. Many victims desire no further

contact from the offender other than the restoration of their financial loss.

In all cases the victim case manager continues to monitor the victim's case, advocating in his or her behalf until such time as all restitution payments have been made and any required services have been delivered by the appropriate agency.

5. Juvenile Interview and Case Service. Upon assignment of a case by the Assistant Director and upon receipt of all case records currently available from Administration, the Juvenile Case Manager (JCM) undertakes a follow-up investigation of the case referred. The purpose of this follow up is to obtain any additional information which may be relevant to the amount and type of restitution to be performed by the juvenile or which may point out heretofore unaddressed social service needs. Additional documentation acquired may include police incident and follow-up investigation reports, information from the juvenile's probation officer and the Value of Loss document as prepared by TRA's Victim Unit. Further documentation might include school and medical records and psychological profiles, if deemed appropriate after a meeting with the juvenile and released with the parents' permission.

Subsequent to the initiation of the case follow-up investigation, the juvenile and his/her parents are contacted and a personal interview held. At that interview the court's disposition and project's role are explained to the juvenile and the parents. Following the explanation, the juvenile is asked to sign an agreement to participate in the program. Also, at this time the parents are asked to sign a release allowing TRA to gather information about the juvenile from schools and/or related social service agencies.

It is during the period of the follow-up investigation and the interview that the case manager attempts to determine from records, parents, and the juvenile himself any additional needs the youth might have related or unrelated to the offense. Subsequent to the identification of such needs, the case manager begins the process of linking the juvenile to the required service. Services located by TRA for clients in the past have included medical care, alcoholism counseling, birth control counseling, and alternative educational placement. As is the case with the Victim Case Manager, the Juvenile Case Manager advocates on behalf of his client until such time as the required services are delivered.

Following the development of the juvenile's restitution plan (to be discussed below) the case manager assists the juvenile in locating a job, monitors his performance on that job and supervises the juvenile's payment of restitution to the victim. The amount of supervision and interpersonal contact varies from case to case, but the Juvenile Case Manager is always available to the client as needed. In no event does a week go by without contact between the two.

6. Mediation. Following the completion of the interview phase for both the juvenile and the victim, a case is ready for mediation. Once a week a meeting is held among the Assistant Director, the Victim Assistance Coordinator, and the Juvenile Case Managers to determine whether or not mediations should be held in those cases which have reached that level. The Restitution Alternative's Director prefers to hold mediations in as many cases as possible, feeling that the face-to-face meeting with the victim has great value for the offender. In some cases, however, mediation is not called for. Where the court has established the absolute amount of restitution to be paid by the offender, and the victim does not wish to participate in any manner, even in absentia, no issues remain to be mediated. In such a case, no mediation will be held. In some cases, however, the court order reads that the offender must make restitution to the satisfaction of the Probation Division or the Restitution Alternative. In such cases, and/or in cases where the victim desires to meet the offender, mediation will be held.

Mediation hearings are normally held at either TRA offices or at a public building in the victim's home town. Such meetings are scheduled at the convenience of the victim. Present are the juvenile, his parents and/or attorney, the victim, the Juvenile Case Manager, the Victim Case Manager, and the Mediator. Only recently the project completed training of fifteen community volunteers, who are now prepared to assume the role of Mediator. For the past several months either the Assistant Director or the Director served in that capacity. During the early stages of the project a 13-person panel, known as the Community Accountability Panel, was employed to mediate cases. The logistics involved in bringing together the panel, and the correspondent necessity of bringing all pending cases before the panel on the same evening proved to be too cumbersome, and as a result, the decision was made to utilize individual mediators.

7. Types of Restitution. The Restitution Alternative supervises clients assigned to make one of three types of restitution: financial, victim service and community service. Financial restitution, as the name implies, involves the juvenile locating a job, earning a salary, and paying a portion of that salary to the victim, according to an agreed upon weekly payment plan, until such time as the victim is compensated in accordance with the restitution plan. Each week the juvenile brings (or mails) to the Restitution Alternative a money order made out to the victim. Each payment is recorded by the Administration Unit and forwarded on to the victim with a letter noting the payment and the balance owed.

Victim service involves the juvenile working for his/her victim either to repair the actual damage done or to provide service equal to the dollar amount of victim loss. Direct victim service appears to be one of the most effective means of ending the depersonalization of the victim by the offender. It is inevitably the least favorite form of restitution as seen through the eyes of the offender, who feels great embarrassment in being around his/her former victim.

The final type of restitution is community service in which the juvenile is required to work a certain number of hours without pay for a public or community service agency (e.g., washing police cars, sweeping school floors, painting a day care center, etc.). This form of restitution is often chosen by the court as a disposition in cases of vandalism against public property. It is also employed by TRA in those cases where the juvenile is ordered to make restitution to the satisfaction of TRA and the victim wants no involvement. For a small number of cases, TRA has stipend money available so that offenders, particularly young offenders for whom it is difficult to find employment, can earn money to pay back their victims while employed in community service work.

For all cases involving non-paying service, either community service or direct victim service, an hour's work is considered the equivalent of three dollars. By employing this equivalency measure, TRA can insure that all clients are treated equitably. A victim owed \$300 for example could receive either \$300 or 100 hours of service. In the case of two juvenile co-defendants each responsible for repaying \$600, one may earn and repay the dollars, while the other works 200 hours.

8. Case Review and Closure. Weekly supervisory meetings chaired by the Assistant Director are held with all case managers. All active cases are

discussed including actions taken by the case manager, service referrals, and problems encountered. Suggestions are offered by the other case managers and supervisory advice by the Assistant Director.

In the event that any minor violations, (e.g., payments missed, failure to report for work, etc.) occur, they are handled by the case manager the first time. Second violations or recurrent problems which necessitate contract revision are addressed by the Assistant Director. In the face of evidence that the juvenile is chronically violating his/her contract, a termination hearing is held and the case may be sent back to the referral agency.

Assuming that there are no major violations during the course of the case, the Juvenile Case Manager monitors job performance and compliance with the payment schedule until such time as the restitution is completed. Concurrently, the Juvenile Case Manager seeks to insure that any agencies to which the juvenile has been referred deliver the required service. Upon satisfactory completion of the restitution, the Juvenile Case Manager reviews the entire case with the Assistant Director prior to conducting termination interviews with the juvenile and his parents. These interviews serve to establish the level of client satisfaction with the services provided by TRA and to solicit suggestions as to how these services might be improved. Following the completion of the termination interviews, the case is turned over to the Assistant Director for review and administrative closure. Follow up contact is made by the Juvenile Case Manager with the juvenile for a period of six months in an effort to respond to any areas in which TRA might be of assistance.

A similar procedure is followed by the Victim Case Manager who contacts the victim subsequent to the juvenile's last payment. The VCM attempts to insure that all additional services needed have been provided, reviews the case with the Assistant Director and conducts a termination interview.

9. Legal Services. The Restitution Alternative retains a law firm to represent the interests of the juvenile client during all stages of the restitution process. At intake the juvenile is informed of this service and the attorneys notified of the new client. Prior to conducting mediation, termination hearings, or referring cases back to the originating agency, the juvenile's attorney is notified of the agency action. At the request of the juvenile, the firm retained can, and has, represented the clients in conflict with The Restitution Alternative.

F.

EVALUATION

The Restitution Alternative has been active under the grant from the Office of Juvenile Justice and Delinquency Prevention, LEAA, since October 1, 1978. One component of the grant is a provision for an evaluation to be performed by an independent contractor. In August, 1979, after a competitive proposal process, The Restitution Alternative signed an eighteen-month contract with Gary B. Smith and Associates of Kennebunkport, Maine and Columbia, South Carolina for the performance of that evaluation. The evaluation component as designed contains elements of both a process evaluation and an impact evaluation. The former serves to provide project administrators with information relative to the improvement of agency operations; while the impact evaluation segment is concerned with the development of data relative to the agency's effectiveness in addressing the problems of juvenile delinquency in Southern Maine.

To date process evaluation feedback provided by the contractor to the project Director has resulted in the development of a new central records system, a revised project mission statement and new policies, procedures and job descriptions, all of which are reflected in the narrative above. The actual revisions of these agency components were accomplished by the contractor and the TRA Director acting in concert. Those steps undertaken as a result of the process portion of the evaluation had to be accomplished prior to the gathering of data to assess the project. While the process evaluation will continue, providing feedback information to TRA administrators for the revision of activities as problems are uncovered, the focus now turns toward impact evaluation. While little has been done in this area to date, some limited data on project results has been compiled by the staff and is presented below.

To date one hundred and one juveniles have been referred to The Restitution Alternative. Eighty-four of the juveniles meet the selection criteria as presented above while seventeen cases represent either service to the courts or carry-overs from the Pre-adjudication project which was in effect prior to the conversion of TRA to a post-adjudication effort.

Delinquent offenses which resulted in referral to TRA were as presented in Figure 4.

FIGURE 4. DELINQUENT OFFENSES COMMITTED BY
TRA CLIENTS WHICH RESULTED IN THEIR
REFERRAL TO THE PROJECT.

<u>Offense</u>	<u>Number of Clients referred for the commission of that offense</u>
Receiving stolen goods	2
Illegal possession of alcohol	2
Burglary	32
Theft	26
Criminal Mischief	14
Assault	6
Shoplifting	5
Unauthorized Use of a Motor Vehicle	3
Forgery	2
Criminal Trespass	1
Rioting	1
Making a False Public Report	1
False Alarm	1
Trafficking	1
Driving without a license	2
Total	101

Seventy-five cases have been closed to date. Of these nine were unsuccessfully completed and resulted in the cases being turned back to the referral agencies; sixty-six were satisfactory completions. The remaining cases are still active.

The information presented in Figure 5 pertains to those eighty-four cases referred to the project in keeping with the eligibility criteria as outlined in the federal grant and as reported to the Institute for Policy Analysis (IPA). IPA holds the federal contract for the collection and tabulation of results from restitution projects across the country.

FIGURE 5. PROGRAM ACTIVITIES/ACTIONS
Through October 31, 1979

Number of youths referred to project	84
Number of victims whose case was referred to project	115
Number of youths for whom restitution plan was developed	84
Number of plans requiring monetary restitution	38*
Number of plans requiring unpaid community service	53*
Number of plans requiring victim service	3*
Number of face-to-face negotiations (victim and offender)	23
Number of youths for whom cases closed	75
Dollars paid at case closure	\$9,417.67
Hours of unpaid community service at case closure	1,233½
Hours of victim service at case closure	23

Given an equivalency rate of one hour of service equals three dollars, the Restitution Alternative has recovered for the victims and communities of Southern Maine the equivalent of \$13,187.17 in actual dollars and service hours, as shown in Figure 6.

FIGURE 6. DOLLAR VALUE OF DIRECT FINANCIAL
RESTITUTION PLUS SERVICE HOURS

Direct financial restitution	\$ 9,417.67
1233½ community service hours at \$3/hr.	3,700.50
23 victim service hours at \$3/hr.	<u>69.00</u>
Total Value of Dollars and Service Hours	<u>\$13,187.17</u>
Recovered through Restitution	

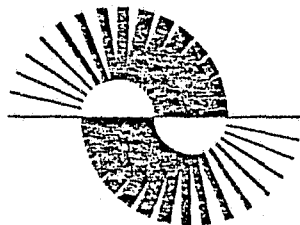
*Because restitution plans may require the juvenile to provide more than one form of restitution, these three sub-sets total more than the number of individual plans drawn.

G. CONCLUSION

The Restitution Alternative provides the courts in Southern Maine which deal with juvenile offenders with an alternative disposition not previously available. A large proportion of the juveniles assigned to this project would, in its absence, have been incarcerated for a period of several months. Through TRA they were given an opportunity to repay their victims, and the community in general, for the damage they had caused. In the process, juvenile clients report, they regain their own sense of self-worth. Rather than being treated as bad individuals, clients are treated as individuals who have made mistakes, and as such are given the opportunity to correct those mistakes.

After an initial period of resistance to what was to them a new concept, criminal justice practitioners came to accept the concept of restitution. Those contemplating the establishment of a similar program could shorten this acceptance period by involving local practitioners from the very beginning of the project design. Once in place, a restitution program provides a variety of benefits to all those involved within the system. Judges faced with an adjudicated juvenile offender whose behavior merits a sanction more serious than probation but less serious than incarceration, now have available to them an intermediate sanction. Juvenile offenders are given an opportunity to actively correct their previous misdeeds, rather than to just passively endure punishment. Victim clients for the first time are provided with an understanding of the unknown criminal justice system in which they have become embroiled through no fault of their own and given a voice in that system. For the first time the victim's loss is consistently brought before the court and services needed, as a result of their victimization, are delivered.

The Restitution Alternative in Portland, Maine, has been able to provide all of these services during the little more than one year of its existence. One hundred one juveniles and more than one hundred fifteen victims have directly benefited from the project. Other components of the criminal justice system have also benefited in terms of better documentation, more available dispositions, reduced caseloads and increased avenues for the delivery of services. It is anticipated that as the project matures and becomes even more established within the juvenile justice system of Southern Maine the number of individuals who will benefit from The Restitution Alternative's activities will increase dramatically.



THE
RESTITUTION ALTERNATIVE
OPERATIONS MANUAL

INTRODUCTION

The Restitution Alternative Operations Manual is intended to be a comprehensive guide for TRA employees as they go about the performance of their daily tasks. The document may also be of some use to other restitution project managers as a profile of the response of one agency to the rigorous demands of running a juvenile diversionary program. Its usefulness to other managers is limited, however, by the fact that it is specific to the Southern Maine environment in which The Restitution Alternative operates. Different geographic, social, political, demographic and philosophic environments will necessitate different responses, espoused in different policies and procedures. Much of this manual, for example, is organized around TRA's internal structure of two operational units (juvenile and victim) and one administrative unit.

The Operations Manual is divided into eight sections. The first two discuss the role and mission of TRA and the goals and objectives the agency strives to achieve. Section III details the criteria applied to establish client eligibility while Section IV explains the position of The Restitution Alternative within the juvenile justice system. The concluding sections provide a detailed description of the organizational structure, job descriptions, policies and procedures of The Restitution Alternative.

THE ROLE AND MISSION
OF THE
RESTITUTION ALTERNATIVE

The Restitution Alternative was established in January of 1978 under the sponsorship of Cumberland County and with the support of the Maine Criminal Justice Planning and Assistance Agency and the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice. The agency operates in cooperation with the Probation Division of the Department of Mental Health and Corrections and the Maine District Courts. Direct oversight of the project operations is provided by an advisory board comprised of criminal justice professionals and lay citizens from throughout Southern Maine.

The project exists to improve the quality of justice for both juvenile offenders and their victims: by identifying juvenile court cases in which restitution is the most appropriate disposition for the benefit of both the victim and the offender; by managing, in conjunction with the Division of Probation and Parole those restitution cases requiring an extraordinary level of services for either the victim or the offender; and by recognizing offender and victim needs emanating from or contributing to the commission of the juvenile offense and securing the delivery of services responsive to those needs.

Pursuant to the accomplishment of these functions, The Restitution Alternative carries out a variety of operations. The identification of juvenile cases in which restitution is the most appropriate dispositional alternative is achieved by screening all juvenile court cases scheduled for arraignment within the Southern Maine District Courts. Prior to the time of arraignment, court clerk records are reviewed by a project staff member to identify those where loss to victims may have occurred. Subsequent to this activity, a staff member interviews the victim to document the value of loss and to identify victim service needs. Loss documentation information is supplied to the court at the time of the adjudicatory hearing.

Following court disposition, the Division of Probation and Parole, utilizing an agreed upon set of case eligibility criteria, refers to The Restitution Alternative those cases requiring extensive case management service for either the victim or the offender. A Juvenile Case Manager and a Victim Case Manager are assigned to establish contact with both parties. Following separate intake interviews, a joint mediation meeting is scheduled to allow both the juvenile and the offender to present their feelings about the incident and to encourage them to arrive at an agreement as to the amount and type of restitution to be made. As a result of this meeting a restitution contract is developed with the participation of the juvenile, the victim, their respective case manager and a community mediator. In keeping with this

restitution plan, the Juvenile Case Manager supports the youth in his/her efforts to restore the victim's loss. TRA facilitates these efforts by providing job development services, monitoring offender progress, and responding to offender needs as they become apparent. Concurrently, the Victim Case Manager oversees prompt payment to the victim and represents the victim's interest throughout the process.

Throughout the restitution process a major emphasis is placed upon identifying the service needs of both the offender and the victim and securing the necessary services to fulfill those needs. For the Juvenile Case Manager this means the recognition of the social, emotional and educational problems experienced by the juvenile which may have led to his/her delinquent behavior. The Victim Case Manager likewise identifies client needs resulting from or contributing to the victimization. In addition, social service needs of either party unrelated to the juvenile offense which led to the referral to The Restitution Alternative may also be uncovered. In any event, the respective case manager locates the service agency responsible for answering the client's need and advocates in behalf of the client until such time as his/her need is resolved. Thus every attempt is made to be responsive to all client needs. At the same time, however, the agency, in accordance with its mandate from the courts, maintains as its first priority the acquisition of restitution from the juvenile for the victim.

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PROJECT GOALS AND OBJECTIVES

Goal I - Administrative

To establish a juvenile restitution project in Cumberland and York Counties, Maine, thereby increasing the dispositional alternatives available to the District Court which handles juvenile cases.

Objectives:

1. Hire program staff of seven people by October 1, 1979, project start date.
2. Procure office space by December 1, 1979.
3. Recruit and train ten community people by May 1, 1979, who will service as mediators for victim-offender contract setting.
4. Contract for legal services for Juvenile offenders by November 1978.
5. Contract for local evaluation by April, 1979.
6. Establish by November, 1978, an Advisory Committee composed of representatives from District Attorney's office, law enforcement, Maine Labor Relations Board, community members, youth, Attorney General's Office, Office of the Court Administrator, Maine Criminal Justice Planning and Assistance Agency.
7. Provide on-going staff training in the following areas: local juvenile justice system, and project policies and operations.

Goal II - Youth

To Increase the sense of responsibility on the part of a youth who commits an offense by utilizing restitution as a mechanism to hold that youth accountable for his/her behavior.

Objectives

1. Serve a minimum of 375 youth in the restitution project over a three (3) year period.
2. Have approximately 40 of these youth make direct monetary restitution to their victims in instance where the youth is already employed.
3. Have approximately 45 of these youth provide service directly to the victim to satisfy the restitution requirement for a given offense.
4. Have approximately 145 of these youth participate directly in unpaid community service work in lieu of direct monetary restitution to the victim in cases where: (a) the victim suffered no direct monetary loss, (b) the victim has declined monetary or direct service restitution or (c) where the community is considered to be the primary victim.
5. Have approximately 100 of these youth provide direct monetary payment to the victim from the proceeds of private employment, public subsidized (CETA, etc.) employment or on-the-job training programs with placement arranged for and coordinated through the juvenile restitution project.

6. Have approximately 45 of these youth participate in TRA subsidized community service work and to provide monetary restitution to their victims.

Goal III - Victim

To provide a form of repayment to victims of juvenile offenses.

Objectives:

1. Establish a restitution completion rate of at least 50% of all negotiated contracts.
2. Establish a victim satisfaction rate of at least 50% of all victims to be measured by a victim termination interview at case closure.
3. Conduct a minimum of 35 direct victim/offender conferences to establish restitution contracts.

Goal IV - Community

To increase community involvement and confidence in the juvenile justice system.

Objectives:

1. Involve 30 agencies with TRA through the development of paid and unpaid community service work, on-the-job training and work experience.
2. Complete a training program for supervisors of youth placed in community service programs. This training to be conducted for new groups of supervisors on a once yearly basis or as needed.
3. Promote the restitution concept through 45 public presentations in the media or civic, church, fraternal organizations over the course of the three-year grant period.
4. Establish the idea of restitution as a viable alternative to incarceration in the legal profession through seminars at the University of Southern Maine Law School.

Goal V - Knowledge

To contribute to knowledge about restitution as an effective and fair sanction.

Objectives:

1. Establish a mechanism for following up project participants for a period of three years for evaluation purposes.
2. Test, using a measure of significance, the recidivism rate of those youth who successfully complete the restitution requirement against those who do not successfully complete the program.
3. Establish an offender satisfaction rate of 30% to be measured by a termination interview, at case closure, concerning the value and fairness of the restitution process.
4. Establish a parent satisfaction rate of 30% to be measured by a termination interview, at case closure, concerning the value and fairness of the restitution process.

SELECTION/ELIGIBILITY CRITERIA

The Restitution Alternative, in conjunction with the Maine District Court, agrees to accept for participation juveniles meeting the criteria listed below. No juvenile referred by the court who meets these criteria will be refused admittance to the project on the basis of race, sex, creed, or ability to pay. Project admittance of all referred juveniles is contingent on the availability of project resources to effectively manage the participation of these juveniles in the project.

Juveniles participating in The Restitution Alternative must:

- Age: Be between the ages of ten and eighteen years old;
- Presenting Offense: Have been found guilty of a crime involving an identifiable victim. (NOTE: Status offenders, juveniles found guilty of victimless crimes and juveniles who have not been found guilty through a formal fact-finding hearing or a counseled plea before a judge are excluded from participating in the project);
- Offense History: Have no more than five prior adjudications (excluding status offenses and victimless crimes, i.e., marijuana);
- Offense Location: Have committed the presenting offense within the following courts: Bridgton, Brunswick, Portland, Biddeford, Springvale or Kittery;
- Victim's Residence: Have committed the presenting offense against the property of an individual or organizations within Cumberland, York, Sagadahoc or Oxford Counties;
- Previous Restitution: Have no more than three court ordered sanctions involving the payment of restitution (whether or not this restitution payment involved the Restitution Alternative) and have no more than one prior order of restitution through the Restitution Alternative.

FLOWCHARTS OF THE JUVENILE JUSTICE SYSTEM AND THE RESTITUTION ALTERNATIVE INTERFACE

The following flow charts represent the operations of the juvenile justice system in the State of Maine. The Restitution Alternative is one potential disposition of the juvenile court. The cases are referred at the following points in that system:

1. Continuation of a dispositional hearing: Pursuant to the Maine Juvenile Code as enacted in Chapter 520, and ammended in Chapter 664, Title 15 M.R.S.A., Part 6, Chapter 507 § 3312, 3.A (2), the court may continue the dispositional hearing:

For a period not to exceed 12 months in order to place the juvenile in a supervised work or service program or a restitution program, or for such other purpose as the court in its discretion deems appropriate. In the event a supervised work or service program or restitution program has been ordered, the court shall on final disposition consider whether or not there has been compliance with the program so ordered. (P.L. 1979, c. 373 § 5)

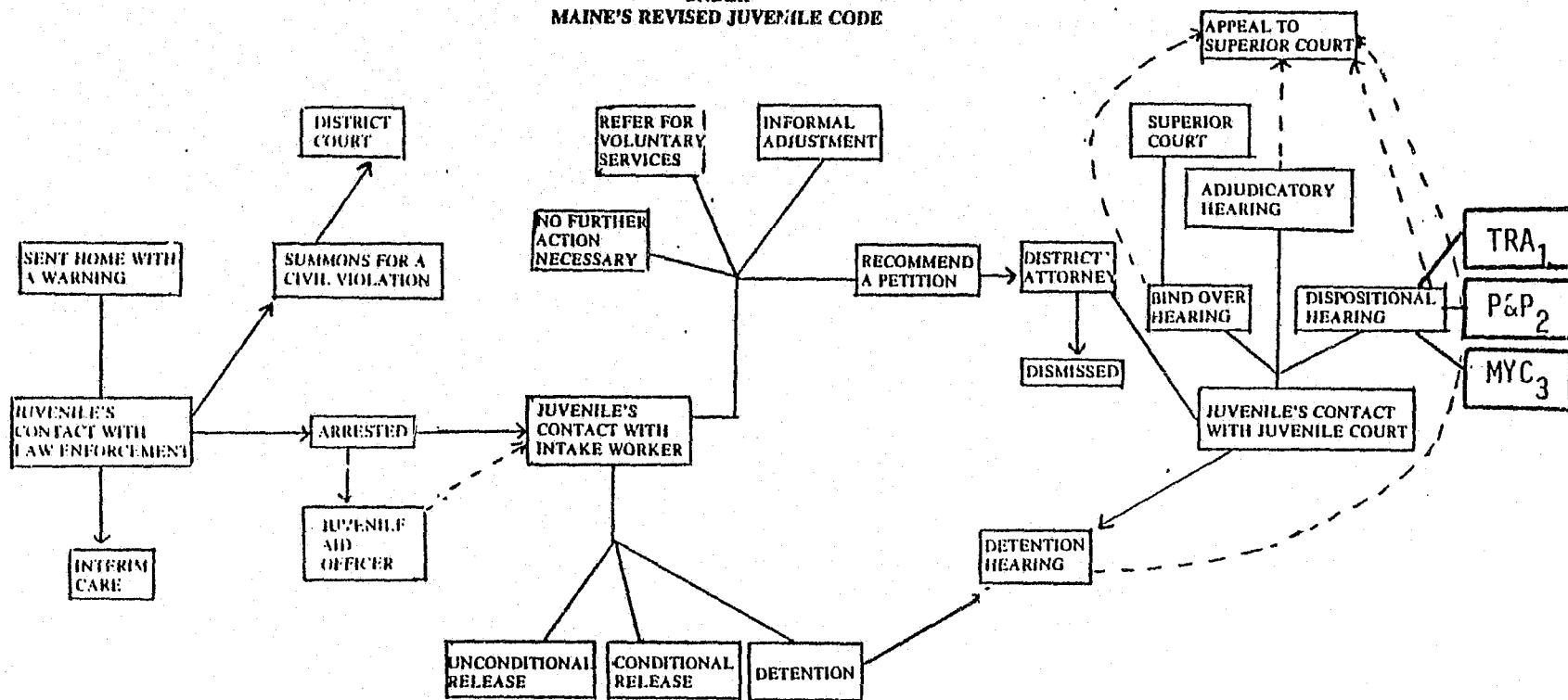
2. As a specific disposition, cite being § 3314, 1.B. (1) (2) (3):

The court may require a juvenile to participate in a supervised work or service program. Such a program may provide restitution to the victim by requiring the juvenile to work or provide a service for the victim, or to make monetary restitution to the victim from money earned from such a program. Such a supervised work or service program may be required as a condition of probation if:

A juvenile referred to a supervised work or service program under this paragraph or section 3301, subsection 5, paragraphs A and B, shall not be subject to Title 39, the Workers' Compensation Act. (P.L. 1979, c. 233 § 3)

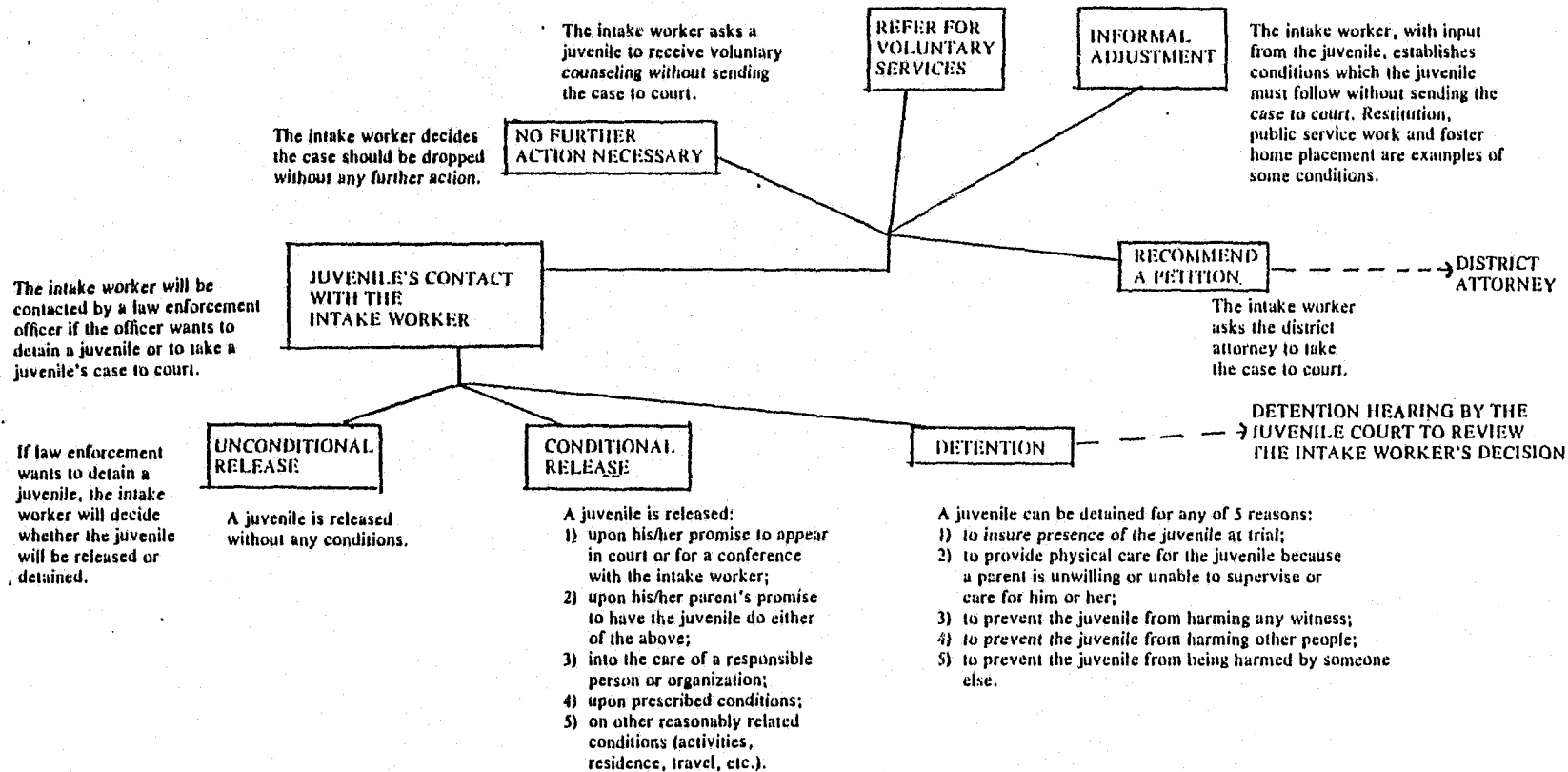
- (1) The juvenile is not deprived of the schooling which is appropriate to his age, needs and specific rehabilitative goals.
- (2) The supervised work program is of a constructive nature designed to promote rehabilitation and is appropriate to the age level and physical ability of the juvenile; and
- (3) The supervised work program assignment is made for a period of time not exceeding 180 days.

MAINE'S JUVENILE JUSTICE SYSTEM
UNDER
MAINE'S REVISED JUVENILE CODE

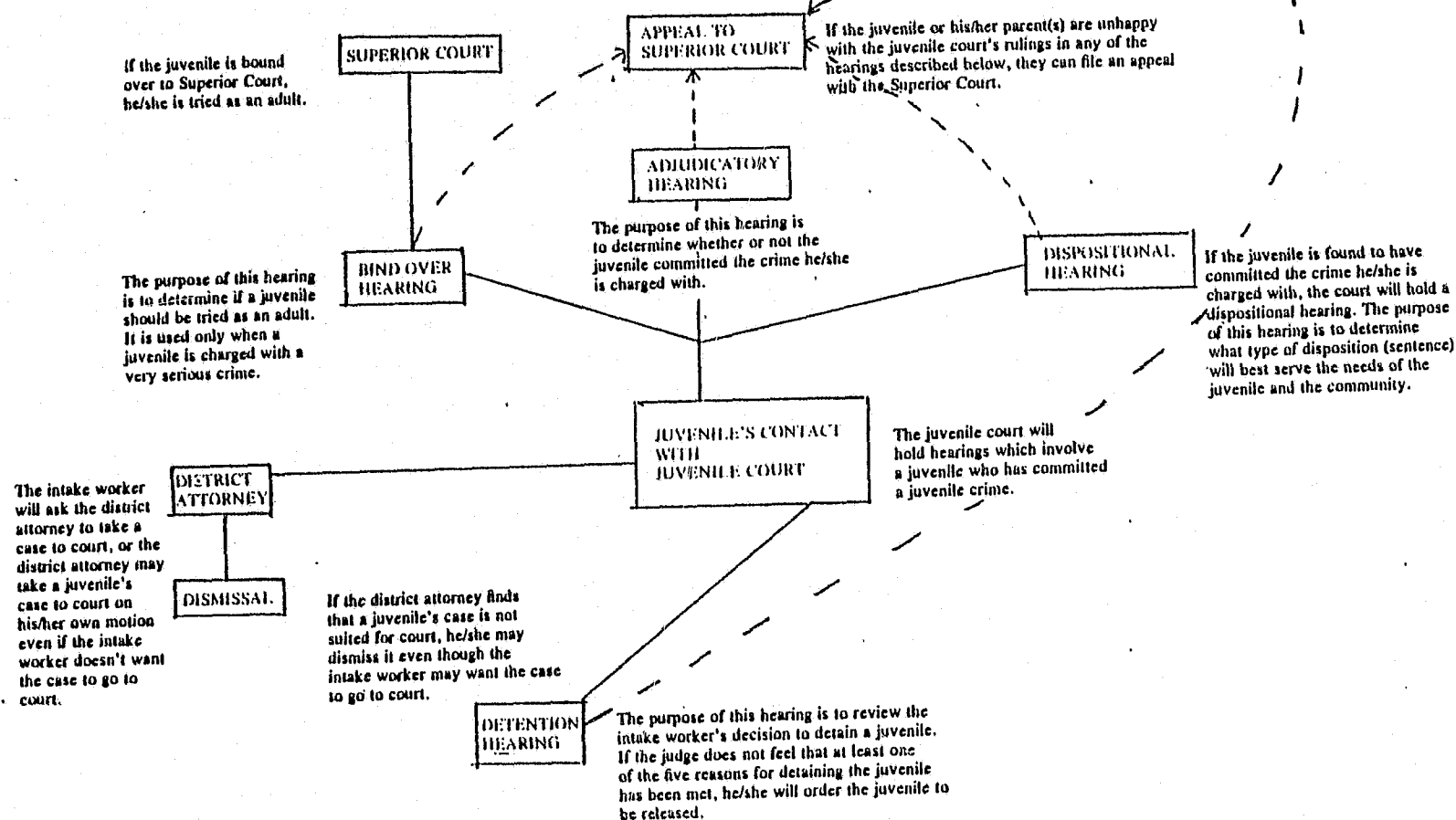


1. The Restitution Alternative
2. Division of Probation and Parole
3. The Maine Youth Center

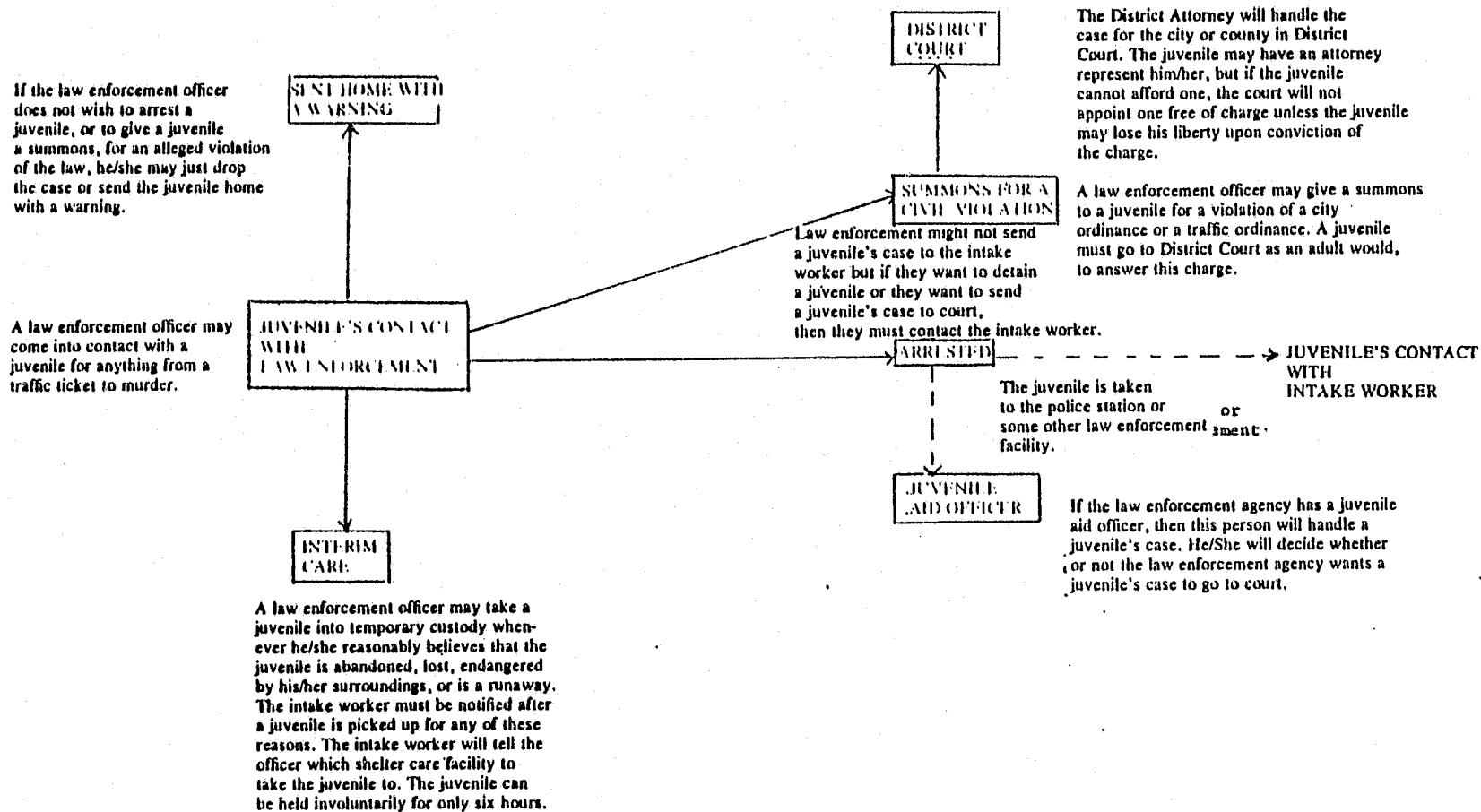
INTAKE WORKER



JUVENILE COURT

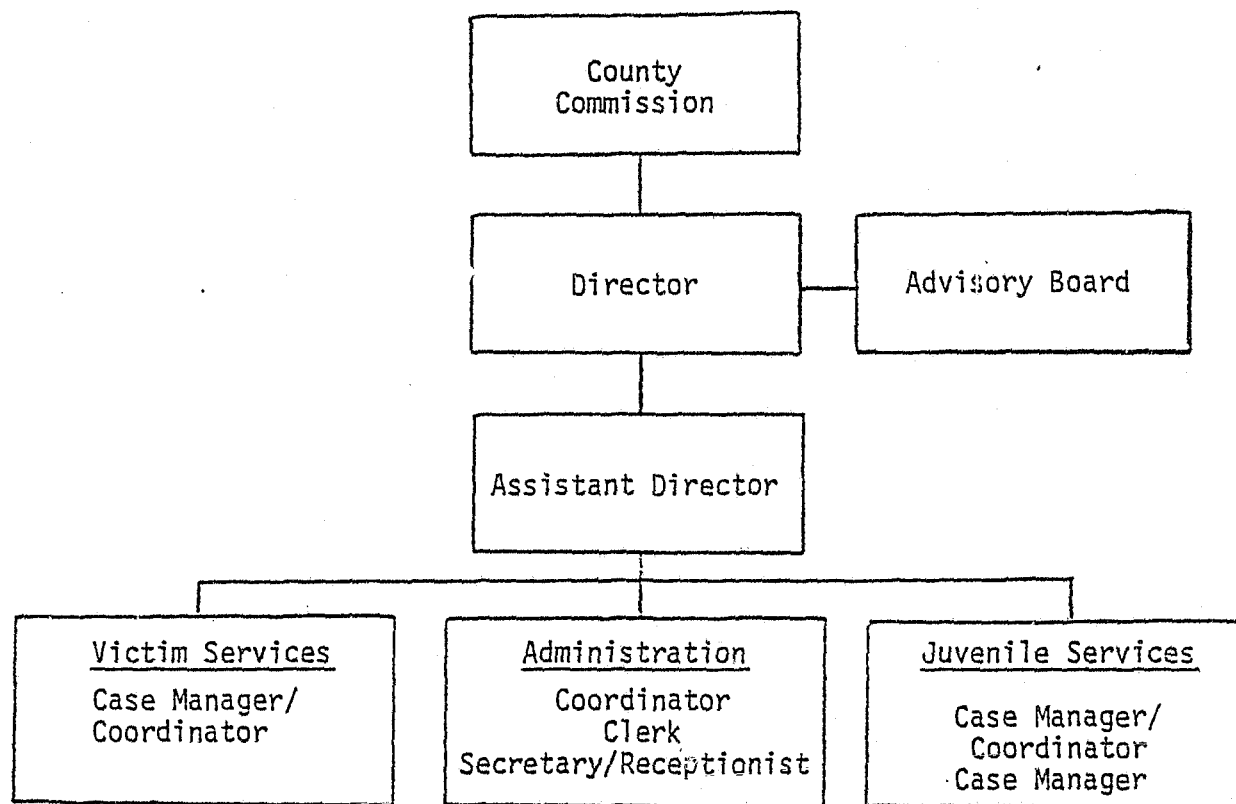


LAW ENFORCEMENT



ORGANIZATIONAL STRUCTURE

The Restitution Alternative is organized into three units as shown in the diagram below:



The Juvenile and Victim Units are responsible for direct contact and delivery of services to their respective clients as outlined in the remainder of this manual. The Administrative Unit, on the other hand, is responsible for the provision of all support services to both of the operational units and to the Director and Assistant Director.

JOB DESCRIPTIONS

THE RESTITUTION ALTERNATIVE

POSITION

JOB DESCRIPTION

JOB TITLE: Director

SUPERVISED BY: County Commission

LEVEL OF SUPERVISION: Receives general direction, on an as-needed basis, on the operation of the agency.

STAFF SUPERVISED: Professional: Assistant Director, weekly
Training Supervisor, weekly
Administrative Assistant, daily

Clerical: None

GENERAL RESPONSIBILITIES:

1. Prepares agency policy and insures operational compliance.
2. Interprets the application of policies to exceptional cases.
3. Provides interface with outside agencies involved in the Juvenile Justice System.
4. Represents the agency within the community.
5. Carries out public education and public relations activities.
6. Maintains oversight of the agency's financial affairs.
7. Maintains responsibility for the hiring, dismissal and/or promotions of all agency staff.
8. Provides oversight of the direction and thrust of agency operations.
9. Provides interface with federal agencies, contractors and technical assistants.
10. Maintains oversight of all case management activities.
11. Insures the development of procedures for operation of the agency.

Page 2
Job Description - Director

SPECIFIC DUTIES:

1. Prepares annual budget and maintains budget integrity.
2. Prepares all budget modifications.
3. Approves quarterly financial reports.
4. Prepares quarterly narrative progress reports.
5. Reports agency progress and operations to Board on a monthly basis.
6. Prepares training schedules and curricula for all internal staff training.
7. Approves all General Juvenile Employment payments.

THE RESTITUTION ALTERNATIVE

POSITION

JOB DESCRIPTION

JOB TITLE: Assistant Director

SUPERVISED BY: Director

LEVEL OF SUPERVISION: Receives weekly direction on internal operations of the agency.

STAFF SUPERVISED: Professional: Juvenile Assistance Coordinator, Daily
Victim Assistance Coordinator, Daily
Administration Coordinator, Daily

Clerical: None

GENERAL RESPONSIBILITIES:

1. Maintains daily oversight of policy compliance.
2. Insures compliance with all operational procedures.
3. Maintains management oversight of all activities carried out by the operational units of the agency.
4. Directs all agency operations in the absence of the Director.
5. Maintains oversight responsibility for the preparation of all IPA reports.
6. Maintains oversight responsibilities for mediation activities.

SPECIFIC DUTIES:

1. Accepts or rejects all cases referred to the agency
2. Assigns Juvenile Case Managers to each specific case.
3. Assigns Victim Case Managers to each specific case.
4. Assigns Mediator to each case requiring mediation.
5. Conducts mediation "go" - "no go" meetings on a weekly basis with the Juvenile Case Manager and the Victim Case Manager.
6. Prepares and submits to Director, recommendations for procedural change or new procedure development.

SPECIFIC DUTIES con't:

7. Approves weekly payroll.
8. Recommends General Juvenile Employment payments to Director for approval.
9. Directs Fixed Point service delivery activities.
10. Conducts administrative hearings as required.
11. Other appropriate duties as assigned by the Director.

THE RESTITUTION ALTERNATIVE

POSITION

JOB DESCRIPTION

JOB TITLE: Juvenile Case Manager/Coordinator

SUPERVISED BY: Assistant Director

LEVEL OF SUPERVISION: Receives daily direction on the operation of the Juvenile Assistance Unit.

STAFF SUPERVISED: Professional: Juvenile Assistant Case Manager, Daily
(2) Juvenile Assistant Interns, Daily

Clerical: None

GENERAL RESPONSIBILITIES:

1. Coordinates operational activities of the Juvenile Assistance Unit.
2. Assists Juvenile Assistant Case Manager in managing and administering to juvenile needs of an extraordinary or difficult nature.
3. Assigns and supervises the activities of all student interns assigned to the Juvenile Assistance Unit.

SPECIFIC DUTIES:

1. Performs follow-up investigations on all cases assigned.
2. Conducts juvenile intake interviews.
3. Assists in documenting the decision to mediate or not mediate an assigned case.
4. Documents juveniles' human service needs.
5. Acts as a referral point for juveniles' need requirements to be met by other agencies.
6. Acts in support capacity to Juvenile in mediation meetings.
7. Drafts Restitution Plan and insures agreement.
8. Monitors restitution activities inclusive of payment and work time sheet processing.
9. Maintains juvenile portion of assigned case file from initiation through termination.

Job Description - Juvenile Case Manager/Coordinator

- SPECIFIC DUTIES cont:
10. Maintains a communications liaison with juvenile and his/her family during active life of case.
 11. Performs other appropriate duties as assigned.

THE RESTITUTION ALTERNATIVE

POSITION

JOB DESCRIPTION

JOB TITLE: Juvenile Case Manager

SUPERVISED BY: Juvenile Assistance Coordinator and Assistant Director

LEVEL OF SUPERVISION: Receives daily direction from Juvenile Assistance Coordinator, receives as-needed direction from Assistant Director.

STAFF SUPERVISED: Professional: Juvenile Assistant Interns, Daily

Clerical: None

GENERAL RESPONSIBILITIES:

1. Coordinate juvenile service activities on assigned cases.
2. Coordinate the operations of the Juvenile Assistance Unit in the absence of the Juvenile Assistance Coordinator.

SPECIFIC DUTIES:

1. Perform follow-up investigations on all cases assigned.
2. Conduct juvenile intake interviews.
3. Assist in documenting the decision to mediate or not mediate an assigned case.
4. Document juveniles' human service needs.
5. Act as referral point for juveniles.
6. Acts in support capacity to Juvenile in mediation meetings.
7. Drafts Restitution Plan and insures agreement.
8. Monitors restitution activities inclusive of payment and work time sheet processing.
9. Maintains juvenile portion of assigned case file from initiation through termination.

Job Description - Juvenile Case Manager

- SPECIFIC DUTIES cont.: 10. Maintains a communications liaison with juvenile and his/her family during active life of case.
11. Performs other appropriate duties as assigned.

THE RESTITUTION ALTERNATIVE

POSITION

JOB DESCRIPTION

JOB TITLE: Victim Case Manager/Coordinator

SUPERVISED BY: Assistant Director

LEVEL OF SUPERVISION: Receives daily direction on the operation of the Victim Assistance Unit.

STAFF SUPERVISED: Professional: Victim Assistance Case Manager, Daily
(2) Victim Assistance Interns, Daily

Clerical: None

GENERAL RESPONSIBILITIES:

1. Coordinates operational activities of the Victim Assistance Unit.
2. Assists Victim Assistance Case Manager in managing and administering to victim needs of an extraordinary or difficult nature.
3. Assigns and supervises the activities of all student interns assigned to the Victim Assistance Unit.

SPECIFIC DUTIES:

1. Screens cases meeting agency criteria in order to determine acceptability.
2. Interviews victims and prepares documentation of their loss due to crime.
3. Documents victims' human service needs.
4. Acts as the referral point for victims' need requirements to be met by other agencies.
5. Acts as the victim's advocate in mediation meetings in either a supportive or capacity.
6. Maintains victim's portion of each assigned case file from initiation through termination.
7. Presents Value of Loss documentation to the Courts on a personal basis as required.
8. Upon assignment of a case, performs follow-up investigations as appropriate.

Job Description - Victim Case Manager/Coordinator

- SPECIFIC DUTIES cont.:
9. Maintains a communications liaisonship with the victim during the active life of the case.
 10. Performs other appropriate duties as assigned.

THE RESTITUTION ALTERNATIVE

POSITION

JOB DESCRIPTION

JOB TITLE: Victim Case Manager

SUPERVISED BY: Victim Assistance Coordinator and Assistant Director

LEVEL OF SUPERVISION: Receives daily direction from Victim Assistance Coordinator, receives as-needed direction from Assistant Director.

STAFF SUPERVISED: Professional: Victim Assistance Interns, Daily
Clerical: None

GENERAL RESPONSIBILITIES:

1. Coordinates victim service activities on assigned cases.
2. Coordinates the operations of the Victim Assistance Unit in the absence of the Victim Assistance Coordinator.

SPECIFIC DUTIES:

1. Screens cases meeting agency criteria in order to determine acceptability.
2. Interviews victims and prepares documentation of their loss due to crime.
3. Document victims' human service needs.
4. Acts as the referral point for victims' needs requirements to other agencies.
5. Acts as the victim's advocate in mediation meetings in either a supportive or capacity.
6. Maintains the victim's portion of each assigned case file from initiation through termination.
7. As required, presents in person the Value of Loss Document to the Courts.
8. Upon assignment of a case, performs as appropriate any necessary follow-up investigations.
9. Maintains a communications liaisonship with the victim during the active life of the case.
10. Performs other appropriate duties as assigned.

THE RESTITUTION ALTERNATIVE

POSITION

JOB DESCRIPTION

JOB TITLE: Financial Officer (Administrative Coordinator)

SUPERVISED BY: Assistant Director

LEVEL OF SUPERVISION: Receives as needed direction on the operation of the Administrative Unit.

STAFF SUPERVISED: Professional: None

Clerical: Administrative Assistant
Secretary

GENERAL RESPONSIBILITIES:

1. Coordinates operation activities of the Administrative Unit.
2. Maintains responsibility for central records system.
3. Maintains responsibility for all financial records and record system maintenance.
4. Insures continuity between projects records, both financial and administrative, and those of the county.
5. Maintains responsibility for the projects records keeping and financial operations in order to insure compliance with grantor agency regulations.
6. Maintains responsibility for financial reporting.
7. Preparation of Monthly Fiscal Report to Director.
8. Responsible for preparation of weekly payrolls.
9. Responsible for bill preparation for forwarding to the county.
10. Prepares monthly drawdown requests for funds to disbursing agency.
11. Maintains oversight of victim payment processing.
12. Maintains oversight of preparation of monthly IPA reports for review by Assistant Director.

SPECIFIC DUTIES:

1. Maintains records for Sick, Vacation and Comp time.
2. Maintains Money Purchase Plan (Retirement Administration)
3. Processes Client Payments.
4. Assigns and prioritizes all typing and copying requests.
5. Performs other appropriate duties as assigned.

THE RESTITUTION ALTERNATIVE

POSITION

JOB DESCRIPTION

JOB TITLE: Administrative Assistant
SUPERVISED BY: Financial Officer (Administrative Coordinator)
LEVEL OF SUPERVISION: Receives daily direction in performance of job.
STAFF SUPERVISED: Professional: None
Clerical: None

GENERAL RESPONSIBILITIES:

1. Maintains responsibility for the maintenance of central records system.
2. Maintains responsibility for the receipt and process of referred cases.

SPECIFIC DUTIES:

1. Prepares initial file and oversees maintenance of individual case records.
2. Processes all referred cases prior to case accepted by agency.
3. Prepares Court Screening Document on each case accepted by agency.
4. Routes each accepted case to appropriate case manager.
5. Prepares monthly IPA Reports for review by Assistant Director
6. Receives and routes telephone correspondence.
7. Meets and routes all client and general public visitors to the project.
8. Performs typing, copying, and filing assignments.
9. Routes all referrals back to court.
10. Performs quality control check on central records system.
11. Other appropriate duties as assigned.

THE RESTITUTION ALTERNATIVE
POSITION
JOB DESCRIPTION

JOB TITLE: Secretary
SUPERVISED BY: Financial Officer (Administrative Coordinator)
LEVEL OF SUPERVISION: Receives daily direction in performance of job.
STAFF SUPERVISED: Professional: None
Clerical: None

GENERAL RESPONSIBILITIES:

1. Responsible for maintainance of supplies.
2. Responsible for filing of general correspondence.

SPECIFIC DUTIES:

1. Prepare purchase orders for supplies.
2. Typing services to other units.
3. Preparation of new files.
4. Preparation of photo copies of documents.
5. Receiving and routing of all incoming mail.
6. Other appropriate duties as assigned.
7. Acts as telephone answering back-up in the absence of the Administrative Assistant.

THE RESTITUTION ALTERNATIVE
POLICIES

POLICIES

ADMINISTRATIVE

1. All referrals to TRA will be after adjudication as a result of a formal fact finding hearing or a counseled plea of guilty before a judge or his designate.
2. No contract will be made with any defendant prior to adjudication except at the request of the defense attorney.
3. No contract will be made with any defendant during pre-screening of cases.
4. No case will be accepted for loss investigation that does not meet the selection/eligibility criteria of The Restitution Alternative.
5. All contact with state, local, and federal agencies will be made through the Director of TRA except in those instances where it is necessary and appropriate for the management of an individual case.
6. TRA case files may be examined only by individuals assigned to that case, by the Director or Assistant Director, or by individuals who have received prior approval from the Director or Assistant Director.
7. TRA case files may be pulled only for the purposes of case management.
8. All case files must be signed for when removed from the file cabinet in which they are kept.
9. All case files removed from the TRA premises must be returned within 24 hours.
10. No document in a case file may be modified as to its existing content without permission of the Administrative Coordinator. As used here, modified is defined as changing existing written material not adding additional material.
11. Only currently approved TRA forms will be used by staff members.
12. All suggestions for new forms or modifications to existing forms must be approved by the Assistant Director.
13. All exceptions to written policy must be approved by the TRA Director. Requests for exceptions must be channeled through the Assistant Director.
14. All exceptions to written procedures must be approved by the Assistant Director or the Director in his/her absence.
15. When exceptions to policies or procedures are approved, with such approval affecting a particular case, the case file must record the action.

SERVICES

1. Service provision to juveniles is contingent upon continuing compliance with original or modified restitution contract.
2. Juvenile Case Managers will only have direct contact with victims subject to the approval of the appropriate Victim Case Manager. The Victim Case Managers will only have direct contact with a juvenile subject to the approval of the appropriate Juvenile Case Manager.
3. A juvenile's parent or guardian, or the attorney for the youth must be present at a mediation meeting.
4. Any change in the restitution contract will be made with the participation and agreement of the Juvenile Case Manager, Victim Case Manager, victim, youth, youth's parents and/or attorney and with the approval of the Assistant Director.
5. All community service placements will be with non-profit community focused organizations.
6. Community service placements will be served only with agencies with which TRA has a properly executed agency agreement. All community service agencies must designate an on-site supervisor, subject to the approval of TRA.
7. Project subsidized employment is the least desirable alternative for placement and will only be used in special cases with approval of the Director.
8. All youth involved in community service and project subsidized employment must be placed on the Volunteer Insurance roster prior to starting service.
9. All employment placements will be in compliance with the United States Department of Labor Employment Standards Administration, Wage and Hour Division, Shield Bulletin No. 101.
10. A youth may begin his/her restitution contract only on approval of the referring agency. Approval may be verbal, followed within ten (10) working days by written sign-off.
11. Case Managers will be present when youth receives first paycheck to assist with purchase and delivery of initial money order.
12. Case Managers will assist the youth in the processing of his first payment through TRA's Administrative Unit. Additionally, Case Manager assistance will be performed on an as needed basis.
13. Parents may not make payments on behalf of their child.
14. In no case will a youth's attitude be the determining factor in referring a case back to the courts. Involuntary terminations are to be implemented for failure to complete restitution agreement only.
15. Case Managers may resolve violations by informal means only once on a case. All second violations must be brought to the Assistant Director. All third time violations must result in termination of the case and its return to the referral agency.

PERSONNEL

1. All personnel employed by TRA are subject to a three-month trial period in order to insure competency and compatability in the performance of position filled.
2. All requests for vacations or individual days off or hours off during a working day, must be submitted through the Coordinator of the respective unit.
3. All requests for vacations or individual days off must be submitted five working days in advance of the desired start date except in those cases considered an emergency.
4. Any personal grievance must be channeled through the employee's supervisory chain of command prior to it being presented to the next level. Employees are not required to discuss the specific nature of the grievance while passing to the hearing level they seek, however, a written and specific set of facts must be prepared for presentation to the Grievance Committee of the Board.
5. All personnel files are considered confidential and are not available for general viewing. Any employee may have access to a file upon the request to and approval of the Director.
6. Full-time employees are expected to work a standard 40 hours per week. Working hours for TRA are 8:00 a.m. to 5:00 p.m. Monday through Friday, with one hour for lunch.
7. All staff are required to use the "Destination Daily" log when leaving TRA premises during working hours.
8. Time sheets are required of all personnel on a weekly basis. Employees must submit their time sheets to the Administrative Coordinator each Friday morning no later than 9:00 a.m. Failure to comply with this requirement will result in no paycheck being processed for the individual for the week reported on. Compensation will be payed at the end of the following week if a proper time sheet is submitted.
9. All employees may receive up to three working days of leave with pay in the event of a death in the immediate family, and one working day with pay for attendance at the funeral of relatives once removed; i.e., aunts, uncles, nieces, nephews, etc.
10. Sick leave shall accrue at the rate of one day for each calendar month of service. Sick leave may accumulate to a maximum of 90 days.
11. Upon retirement or separation in good standing from the agency, the equivalent of one-third of accumulated or unused sick leave shall be paid to an employee.
12. Overtime for employees will not be monitarily compensated. Compensation may be made through allowance of leave time at the rate of one hour compensatory time for each hour of overtime worked.

PERSONNEL con't.

13. All requests for compensatory time must be submitted to the Assistant Director within thirty (30) days of overtime worked. Compensatory time not taken during this period is forfeited.
14. All full time employees may be granted a leave of absence without pay for a period not to exceed sixty (60) days. All leaves of this nature must be approved by the Director of TRA. Failure of the employee to return to service on the prescribed or arranged date will be considered a resignation from service.
15. All employees will be expected to follow agency policy. Failure to do so will result in the following actions:
 - a. First violation - verbal reprimand
 - b. Second violation - written reprimand
 - c. Third violation - suspension/termination to be determined by Director.
 - d. Fourth violation - termination

OVERVIEW OF THE JUVENILE JUSTICE SYSTEM AND THE RESTITUTION ALTERNATIVE PROJECT

In order to thoroughly understand the operation of The Restitution Alternative it is necessary to understand the agency's position within the juvenile justice system. The system includes law enforcement agencies, court intake workers, the prosecutor's office, the courts, and correctional agencies. The roles played by these entities and their interrelationships with TRA in the processing of juvenile cases are outlined below:

I. COURT INTAKE PHASE

This is the phase between arrest and petition whereby the court intake worker determines how to proceed based on what appears to be in the best interests of the youth and the community.

Intake Worker Procedures

1. Receive case from law enforcement agency (referral sheet or telephone call) by Court Intake Worker.
2. Screen/examine cases to determine appropriate action. Intake worker has following choices:
 - Dismiss with no action; or,
 - Sign informal adjustment agreement with specific conditions to be accomplished within 180 days. Close case when conditions of informal adjustment satisfied. Intake workers may approve case for petition to court within that time period if conditions are violated. If youth is rearrested during informal adjustment or within one year, new case is automatically approved for petition to court; or,
 - Approve request for petition to court. (When this occurs, case is referred back to appropriate law enforcement personnel for development of petition.)

II. PETITION PHASE

This is the phase after the intake worker has approved a petition to court during which the arresting officer, youth aid officer, or investigator arranges for court processing of the case.

Law Enforcement Procedures:

1. Receive approval to petition from court intake worker.
2. Gather factual information from which to develop petition.
3. Develop petition for purposes of holding an arraignment hearing. This petition contains specific charges, dates, places, etc.
4. File petition with clerk and transfer information to court file in clerk's office. Date for arraignment set by clerk and written on petition.
5. Refer information to prosecuting attorney.
6. Prepare summons.
7. Serve summons to youth and parent/guardian. (Arraignment date written on summons).

District Attorney Procedures:

1. Determine if there is sufficient evidence for further processing.
2. Prepare evidence documentation for those cases which merit further processing.

III. CASE SCREENING AND LOSS DOCUMENTATION PHASE

This phase is a service to the court which is completed solely by The Restitution Alternative staff. Its purpose is to accurately document victim loss, and provide information to appropriate parties (defense counsel, prosecutor, court file and judge).

Victim Case Manager/Administrative Assistant Procedures

1. Screen all cases to determine eligibility based on selection criteria.
2. Document loss for each victim case selected.
3. Turn over Value of Loss Document to the court at date of adjudicatory hearing.

IV. ARRAIGNMENT PHASE

This phase involves bringing the youth and parents/guardians to court to hear charges being presented against him/her and to provide legal safeguards.

Judicial Procedures:

1. Read charges to youth/guardian.
2. Explain legal rights and responsibilities.
3. Schedule trial date/adjudication hearing.
4. Offer legal counsel if youth declares him/herself indigent. Youth may have attorney appointed based on his/her personal financial resources regardless of parental income.

V. ADJUDICATION/DISPOSITION PHASE

This combined phase involves a trial during which guilt or innocence is determined and, if guilty, a sentence is imposed.

Judicial Procedures

1. Provide for due process.
2. Determine guilt through fact-finding process or counseled plea.
3. Consider all possible dispositions.
4. Order one of the following dispositions:
 - Restitution disposition as a sole sanction; or,
 - Restitution as a special condition of probation; or,
 - Restitution as a special condition of entrustment to the youth authority; or,
 - Restitution as a special condition of a split sentence; or,
 - Restitution with a delayed disposition pending successful completion of the contract; or,
 - Entrustment to the Maine Youth Center; or,
 - Probation with special conditions as determined by the court.
5. Refer case to The Restitution Alternative if complex restitution is ordered. (Restitution may be considered complex in terms of the amount to be paid, the time required to make restitution, the number of types of restitution to be made or the additional needs of the juvenile or victim).
 - Restitution may be referred directly to The Restitution Alternative or through Probation to The Restitution Alternative.

VI. PROJECT ORIENTATION/CASE INVESTIGATION PHASE

This is the phase during which TRA staff establish contact with victim and juvenile clients and gather the necessary information to prepare all parties for mediation and contract agreement development.

Assistant Project Director Procedures:

1. Receive case from referral agent.
2. Confirm offender's eligibility to participate based on selection criteria.
3. Return cases to referral agency that do not meet criteria.
4. Record acceptance of case.
5. Assign case to a Victim Case Manager and a Juvenile Case Manager.
6. Participate in meeting with Juvenile Case Manager and Victim Case Manager in order to determine whether or not to mediate case.

Victim Case Manager Procedures:

1. Receive victim case file.
2. Conduct procedures as outlined in Phase III unless completed prior to case referral.
3. Inform victim of case disposition.
4. Check victim willingness to participate in mediation process. If victim agrees to participate, explain his/her role, rights, and responsibilities during mediation. If victim does not agree to participate, the Victim Case Manager is available to advocate for the victim during mediation.
5. Participate in meeting with the Assistant Director and the Juvenile Case Manager in order to determine whether or not to mediate the case.
6. As appropriate, help set appointment and locate facilities for mediation.
7. Inform victim of the time, place, and date for mediation.

Juvenile Case Manager Procedures:

1. Receive juvenile case file.
2. Contact juvenile and parents and arrange for an interview.
3. Interview juvenile and parent in order to orient parties to the purpose of the project, its methods of operation and the local juvenile justice system.
4. Participate in meeting with Assistant Director and the Victim Case Manager in order to determine whether or not to mediate case.
5. As appropriate help set appointment date and locate facilities for mediation.
6. Inform the juvenile, parents/guardian, and defense attorney of the time, place, and date for mediation.

VII. MEDIATION AGREEMENT PHASE

This is the phase during which the offender and victim, or victim advocate, meet to establish an agreement about restitution type, amount and conditions.

Mediator Procedures:

1. Explain mediation process and the mediator's role.
2. Obtain signed mediation confidentiality form from victim and offender.
3. Follow mediation process and conduct mediation meeting.
4. Record agreement and give copy to offender, victim and case managers.
5. Inform juvenile and victim that they have 24 hours to change their minds relevant to the agreement.

Victim Case Manager Procedures:

1. Introduce victim to mediator.
2. Provide copies of loss documentation to all mediation participants when requested by mediator.
3. Provide clarification when requested by youth/parent/mediator/legal counsel/victim.
4. Obtain signed Restitution Plan Agreement from victim.

Offender Case Manager Procedures:

1. Introduce offender, parent and legal counsel to mediator.
2. Provide clarification where requested by youth/parent/mediator/legal counsel/victim.
3. Develop plan for juvenile to follow in carrying out his/her restitution obligation.
4. Have signed Restitution Plan by offender, parent, Case Manager.
5. Forward final plan to referral agent for concurrence (court, probation, etc.), before proceeding. (Concurrence may be by telephone; however, written contract must be forwarded to referral agent. Telephone contacts should be noted in Activity Log.)

VIII. CASE MANAGEMENT PHASE

This is the operation phase of the project wherein the restitution plan is carried out to the satisfaction of both the victim and the juvenile. This phase includes the delivery of additional services as necessary and appropriate. Activities which take place during this period include:

- Establish and maintain juvenile and victim case file data.
- Manage and supervise financial restitution and community service performance.
- Deliver other services considered necessary to both the juvenile and the victim.
- Record termination information.
- Close files following restitution completion or case termination.

For specific detail in the performance of case management activities, please refer to the OPERATIONAL PROCEDURES section of this document.

OPERATIONAL PROCEDURES
FOR
CASE MANAGEMENT

JUVENILE CASE MANAGEMENT PROCEDURES

The operating procedures outlined in this subsection are those to be followed by Juvenile Case Managers in carrying out their case management responsibilities.

I. CASE PROCESSING

1. Receive final confirmation of plan from referral agency.
2. Update file entry and insert copy of agreement if necessary.
3. Complete juvenile answer sheet, IPA intake form, update client checklist.
4. Enter answer sheet in juvenile file.
5. Examine type and conditions of restitution outlined in contract. Follow procedures specific to type(s) of restitution.
6. Record all daily contact with juveniles assigned or with other agencies relevant to the case.

II. TYPES OF RESTITUTION

A. Community Service

1. Review terms and conditions of contract with youth.
2. Review community service placement possibilities with youth.
3. Select one or more placements for consideration based on location availability, supervision, youth/parent preference, etc.
4. Visit placements with youth as appropriate.
5. Select placement and arrange hours, times, tasks in conjunction with placement supervisor and youth.
6. Record placement conditions on work/placement form.
7. Forward copy to supervisor, offender, and enter one copy in file.
8. Record appropriate information about youth on Volunteer Insurance Service form for insurance coverage.
9. Make on-going appropriate entries in case file.
10. Receive completed worker placement form (file entry).
11. Determine completion of agreement according to contract.
12. Schedule termination meeting.
13. Conduct termination meeting.
14. Record contact in case file.
15. Transfer case file to Assistant Director for closure.

B. Monetary

1. Review terms and conditions of contract with youth.
2. Carry out job development procedures as necessary.
3. Develop payment schedule in conjunction with youth and forward to Victim Case Manager.
4. Record youth information on the Volunteer Insurance Service form for insurance coverage in project subsidized restitution cases.
5. Enter in file completed placement form.
6. Make on-going entries in case file.
7. Determine first payday.
8. Make appointment with youth for first pay day.
9. Accompany youth to purchase money order for scheduled amount.
10. Introduce youth to Administrative Coordinator, and complete transaction.

11. Monitor scheduled payments. All monetary payments folders are to be reported directly to case manager for review before folders are received by Administrative Assistant for payment purposes.
12. Review case weekly with Juvenile Case Manager Coordinator to insure all activities are updated and filed.
13. Determine completion of agreement according to contract.
14. Schedule termination meeting.
15. Record contact in case file.
16. Transfer case file to Assistant Director for closure.

C. Direct Victim Service

1. Review conditions and terms of contract with youth.
2. Establish specific times and tasks for service completion in conjunction with victim and youth.
3. Record placement conditions on Work/Placement form.
4. Forward copy to victim, Victim Case Manager, youth and file.
5. Record appropriate information about youth on Volunteer Insurance Service form for insurance coverage.
6. Make on-going appropriate entries in case file.
7. Receive completed placement form.
8. Commence termination process.

III. NON-COMPLIANCE AND BREACH OF CONTRACT

In the case where a youth fails to adhere to the terms and conditions of the restitution contract, the juvenile case manager may initiate one of three activities:

- A. Call an informal meeting with the juvenile when a minor violation has occurred. A minor violation as used here is defined as a failure to meet a specific task or point in the contract within the agreed upon time frame. The following steps should be adhered to in conducting the meeting:
 1. Refer to contract and conditions.
 2. Cite violations of contract.
 3. Ask youth's version of events.
 4. Check willingness to continue with contract as originally negotiated.
 5. If youth agrees to continue according to original contract, inform youth that additional violations will be considered grounds for an involuntary termination from the program and a meeting with the Assistant Director would be necessary.
 6. If youth does not agree, initiate a meeting with the Assistant Director.
- B. Call an informal meeting with the juvenile when it appears that s/he is unable to live up to the agreed upon terms of the restitution plan. In cases of this type the following steps should be used:
 1. Refer to contract and conditions.
 2. Cite violations of contract.
 3. Ask youth's version of events.
 4. Verify youth's unwillingness or inability to continue with original contract.

5. Receive approval to re-negotiate from Assistant Director.
 6. Notify appropriate parties.
 7. Schedule mediation meeting.
 8. Follow the operational procedures which start with Mediation Phase.
- C. Request a formal hearing to resolve violations of the restitution agreement that can not be resolved in an informal meeting. The steps involved are to:
1. Determine failure to meet conditions of the contract.
 2. Gather information necessary to conduct administrative hearing.
 3. Schedule administrative hearing with Assistant Director.
 4. Notify appropriate parties (hearing officer, youth, victim defense attorney).
 5. Provide for legal safeguards.
 6. Conduct hearing.
 7. Determine case termination required: refer case back to court; make appropriate entries in case file; close case.
 8. Determine re-negotiation possible: adhere to operational procedures starting with Mediation.

AS A MATTER OF POLICY, CASE MANAGERS MAY RESOLVE VIOLATIONS BY INFORMAL MEANS ONLY ONCE ON A CASE. ALL SECOND VIOLATIONS MUST BE BROUGHT TO THE ASSISTANT DIRECTOR. ALL THIRD TIME VIOLATIONS MUST RESULT IN TERMINATION OF THE CASE AND ITS RETURN TO THE REFERRAL AGENCY.

IV. DELAYED DISPOSITION CASES (Special Service Cases for the Court)

The Restitution Alternative will occasionally receive cases which have been adjudicated (guilt determined) but have no formal disposition. These cases are handled in the same manner as all other formal disposition cases with these additional procedures to be followed at the close of the case management phase.

1. Prepare final report for court on the successful completion of restitution agreement.
2. Schedule termination hearing with court.
3. Participate in court termination hearing.

V. JOB DEVELOPMENT PROCEDURES

Job development procedures may be divided into three categories:

- A. Community service placement
- B. Monetary

1. Private, non-subsidized placement.
2. Public subsidized employment.
3. Project subsidized employment.

- C. Direct Service to the Victim.

The type of restitution a youth will make (i.e., community service, monetary, or direct victim service) is determined during the mediation session. However, occasionally it will be apparent that monetary or community service will be the outcome of the session, in which case the youth may be placed in a job prior to the mediation (on approval of the Assistant Director).

A. Community Service Placement

To place a youth in community service placement, proceed as follows:

1. Review placements with youth with which we already have agreements in the youth's place of residence to see if any are appropriate.
2. Visit selected placements.
3. If no placements exist, check the following agencies:
 - Town Halls
 - Churches
 - Social Agencies
 - Fire Departments/Police Departments
 - Day Care Centers
 - Schools/Adult Education
 - YMCA/YWCA
4. Make contact with agency and briefly explain program.
5. Set appointment to visit agency. First visit without the youth.
6. Mail program introduction materials first. (If time doesn't allow, take them with you.)
7. Orient agency personnel thoroughly to project purpose, goals and objectives.
8. Provide copy of Job Supervisor's Do's and Don'ts.
9. Execute written agreement with agency establishing service placements.
10. Enter placement information on master log as resource for other staff.
11. Inform Assistant Director in writing of service agreement.

B. Private Non-subsidized Employment

1. Monetary

To place a youth in private non-subsidized employment, proceed as follows:

- a. Review with youth his geographical and skill possibilities and limitations.
- b. Review with youth job applications s/he has outstanding (prior to project involvement).
- c. Establish interim contract outlining specific target dates for a specific number of applications to have been made, i.e., within ten days youth will document twenty firms with which s/he has made application for a job as well as the response of those firms.
- d. Review monetary placements that have been receptive to Restitution Alternative placements in the past and make this information available to the youth.
- e. You may wish to utilize the yellow pages of the phone book or a walking/driving tour to assist youth in identifying appropriate possible job sites. A successful job search is the result of initiative and industry - both of which qualities you may support your client in developing.

2. Public Subsidized Employment

If your client is not successful within ten working days in obtaining private employment or if the client lives in a remote geographical area or appears to have special training needs, you may wish to consider public subsidized employment such as CETA or SPDY.

We have negotiated a non-financial agreement with Cumberland County CETA which reserves four slots per month in their Youth Employment Training Program. This agreement requires that we pre-screen youth we intend to refer to CETA according to their certification procedures.

Before making a referral, complete the CETA Certification Form. If youth appears eligible, make telephone contact according to geographic location of youth's residence to either York County CETA or Cumberland County CETA.

REMEMBER, ANY YOUTH FILLING ONE OF THE CETA SLOTS IS DESIGNATED AS A PARTICIPANT IN A COMMUNITY REHABILITATION PROGRAM THUS INDIVIDUAL AND FAMILY INCOME GUIDELINES ARE WAIVED AS A CERTIFICATION REQUIREMENT.

3. Project Subsidized Employment

We have a small category of funds designated for General Juvenile Employment that may be used according to the following criteria:

- a. The victim is a private property owner without insurance coverage.
- b. The youth is not able to be placed in other employment (due to age, handicap, geography).
- c. Monetary restitution is necessary.

When using this category the youth may be placed in a community service position but paid with project funds at the rate of \$3 per hour. When this category is used, it is considered a stipend and no taxes or social security are withheld. Therefore, the youth makes his or her restitution according to a 75/25 breakdown and the length of employment is determined by the dollar amount of the restitution. In no case may a juvenile be employed in this category past the date that the restitution amount is completed. If the youth receives funds in this category and fails to use them for making the restitution payment, the employment immediately terminates.

FUNDS USED IN THIS CATEGORY MUST ALWAYS BE APPROVED BY THE DIRECTOR.

IN NO CASE MAY FUNDS IN THIS CATEGORY BE USED TO REIMBURSE INSURANCE COMPANIES.

C. Direct Victim Service

VI. FIXED POINT CASE COORDINATION

Although the Restitution Alternative is primarily a project that arranges payment of damages from offender to victim, the agency exists to serve the needs of clients. To the degree that we possess the resources to do so, we must attempt to identify and meet the needs of those clients. Needs of clients will vary as will their desire to proceed with a problem identification and resolution process. When the worker identifies needs that the client has raised or that appear to be impacting adversely on the client's ability to actively participate in the program a problem resolution process will be initiated in a cyclical fashion as follows:

- Collection of Data/Information from all relevant agencies.
- Interpretation/Analysis of Information
- Plan of Action
- Implementation of Plan
- Case Review

A. Collection of Data/Information

1. Discuss with client issues s/he may see as needing attention.
2. Identify all agencies with information/contact with client.
(Educational records, medical records, Human Services, Protective Services records, Vocational Rehab, Bureau of Mental Retardation, Department of Mental Health and Corrections, Psychological Evaluation Unit, group home, Abilities and Goodwill, etc.)
3. Initiate release of information forms.
4. Collect records.
5. Contact all relevant personnel from other agencies/systems and arrange case conference. When client is youthful offender, notify parent of right to be present and notify of time, date, etc. Additionally, when client is a youth, include attorney as conference participant.

B. Interpretation/Analysis of Information

1. Facilitate Case Conference.
2. Identify questions remaining to be answered about client prior to developing plan for action (i.e., what information is missing/incomplete - medical evaluation outdated, insufficient data relative apparent learning disabilities, etc.) Identify appropriate individuals to obtain information/data or needed resources in order to answer remaining questions. Assign responsibilities among agencies for locating resources/paying for appropriate evaluations, etc. Set time frame and target dates, establish next meeting dates.
3. Adjourn meeting.
4. Maintain check on agency performance of each task.

NOTE: The function of the case manager at this point is to provide coordination between agencies and monitoring of task accomplishment not to perform these tasks in any significant way.

C. Plan of Action

1. Facilitate case conference, update activities, share new information, answer questions.
2. In consultation with client/parents at second case conference, review the possibilities for action.
3. Develop service delivery plan.
4. Assign responsibilities by agency including who does what and who pays for what. Include milestone chart and time frame. Schedule next meeting or checkpoint.
5. Adjourn.

D. Implementation of Plan

Essentially this is a monitoring phase and the case management job at this point is to check on the accomplishment of each professional in terms of what they promised and whether or not it was accomplished. This phase focuses on keeping the plan on schedule in terms of time and objectives, also keeping the client informed of progress.

E. Case Review

1. Establish meeting of all appropriate parties.
2. Facilitate meeting and review case to date.
3. Begin process anew, if necessary with sharing of new information identifying new questions to be answered.

NOTE: The rationale for this activity is that many of the clients we see will be individuals with extensive needs. Theoretically (according to one school of thought) any youth who comes to the attention of the juvenile justice system should have been red-flagged in another system five years before. In almost all cases with medical problems, a long history of protective custody, mental retardation, etc., you will likely discover recommendations that were never implemented, inaccurate records, inefficient provision of services, etc. For many of our clients, one agency alone does not have the resources or the skill to provide adequate service levels, while several agencies working in cooperation with a monitor might be able to pool resources and meet the client's needs. The attorney's involvement is indicated because frequently, a social agency's response to not knowing what to do is to declare that there is nothing to be done for the client. It is not uncommon for agency personnel to declare that there are no resources when in fact the agency is mandated by law to provide a specific service. The attorney will be familiar with the client's legal entitlement and will be there to address that issue.

VICTIM CASE MANAGEMENT PROCEDURES

The procedures outlined in this section are those to be followed by Victim Case Managers. Specifically these procedures deal with loss documentation, case management, mediation, restitution monitoring, service delivery and case terminations.

I. PRE-SCREENING OF CASES

A. Court Records Review

1. Screener takes blank pre-adjudication screening forms (TRA 3-8) and log notebook with previously prepared TRA 3-8 forms to Portland Court on Wednesdays:
 - a. Review all cases due for arraignment with due consideration to selection/eligibility criteria.
 - b. For each case meeting selection/eligibility criteria prepare a TRA 3-8.
 - c. For cases previously screened but not yet heard, ascertain and note on TRA 3-8 in log the trial date and defense attorney.
 - d. For cases heard, record disposition on TRA 3-8 in log.
2. Screener performs quality control of new TRA 3-8 forms with Victim Assistance Coordinator to eliminate cases not meeting selection/eligibility criteria.
3. TRA 3-8 forms photocopied with originals placed in log notebook according to date.
4. Copy of TRA 3-8 attached to front of file folder and placed in Pre-Screened Cases Requiring Contact box.

B. Telephone Contact

All cases accepted for value of loss documentation will receive an initial contact by way of telephone. No field visits are made prior to this contact. The steps to be taken in the performance of this task are:

1. Remove one case folder with an attached TRA 3-8 from Pre-Screened Cases box.
2. Ascertain victim's address and telephone number by checking:
 - Telephone directory
 - Telephone information service
 - Contact with Court Intake Officer
3. Make telephone contact with the victim and briefly explain who you are, the purpose of the program and the reason you seek information regarding their financial loss.
4. Ascertain financial loss and record on a Value of Loss Document (TRA 3-9) if only a telephone inquiry is to be made. If a personal interview is to be made, record basic information on a Victim Interview form (TRA 3-6).

NOTE: Personal interviews are made in cases where:

- The loss is over \$50.
 - The items lost or damages done are complex in nature.
 - Bodily harm occurred as a result of the crime.
5. Set up time and place for the personal interview.
 6. Complete TRA 3-9 and update TRA 3-8 with pertinent data.

7. Place one copy of the TRA 3-8 and 3-6 in file folder.
8. Turn over file folder to the Victim Assistance Coordinator.
9. Victim Coordinator files the TRA 3-9 for turn over to Probation prior to hearing (only cases documented by telephone interview).
10. Victim Coordinator assigns a Case Manager to the case and an interview is performed. The TRA 3-6 and 3-9 are then completed and turned over to the VAC for filing prior to their being given to Probation.

C. Reporting to Court on Loss Verification

The VCM files each completed Value of Loss Document (TRA 3-9) in the Hearings Pending file by the date for which the case is scheduled to be heard. Prior to the hearing date, the VCM has four copies made of the TRA 3-9 and places them back in the Hearings Pending file along with a memorandum of transmit. On the date of hearing the following steps are performed:

1. Arrive at court by 8:30 A.M.
2. Check docket against cases we have documented for trial on that date.
3. Note any continuances or dismissals.
4. Check with clerk on discrepancies.
5. Notify probation officer on court duty cases for which we have documentation.
6. Turn over copies of the documentation to probation officer. Copies are provided for the District Attorney, the defense attorney, the probation officer and the judge. The probation officer will give the copies to the individuals at the appropriate time.
7. Explain details of the TRA 3-9 to the court when requested. This should be anticipated in intricate cases involving complex losses.

II. LOSS VERIFICATION PROCEDURES

The following procedures are applicable to ascertaining losses either by telephone or by personal interview (field visit).

1. Make telephone contact with victim and apply three-point guidelines relevant for the need for a personal interview. Proceed with following steps in one of the two modes:
2. Interview and Data Gathering with victim.
 - a. Explain program briefly.
 - b. Ask about incident.
 - c. Ask about loss and attempt to get documentation of the following:
 1. Bills of purchase on items lost or damaged or manufacturer item description.
 2. Repair bills or repairer's name and number.
 3. Insurance coverage.
 - Insurance carrier
 - Adjuster
 - Deductibles
 - Items not covered by insurance
 - Intent to claim

- d. Re-explain program in more detail.
- e. Explain mediation process and purpose and various types of restitution.
- f. Find out what victims want.
- g. Check out other social service needs resulting from incident.

3. Verification of Costs

- a. Call insurance company or adjuster.
- b. Get copies of all assessments and/or check receipt on paid claims.
- c. Call appropriate repair agency to verify repair. If no bill available, attempt to obtain copy of their records.
- d. Call local merchant to price items not otherwise assessed.

- 4. Prepare final Value of Loss document and review by telephone with the victim.

III. CASE PROCESSING

Upon assignment of a case referred to TRA, the Victim Assistance Unit performs the following tasks and steps:

A. LOSS DOCUMENTATION

1. Loss Documentation of Cases Not Previously Screened

Those cases referred which have not received prior screening, execute the loss documentation procedures, inclusive of completing TRA forms 3-9 and 3-6, previously outlined in this manual. Then adhere to tasks III, B, below.

2. Cases Pre-Screened

- a. Inform victim of case disposition.
- b. Check victim willingness to participate in mediation process. If victim agrees to participate, orient them to their role, rights and responsibilities during mediation. If victim does not agree to participate, VCM is available to advocate for them during mediation.
- c. In conjunction with Assistant Director and the Juvenile Case Manager (JCM), participate in meeting in order to set appointment and locate facilities for mediation.
- d. Inform victim of time, place, date for mediation.

B. MEDIATION

- 1. Introduce victim to the mediator.
- 2. Distribute copies of loss documentation (TRA 3-9) to all mediation participants when requested by mediator.
- 3. Provide clarification when requested by youth, parent, mediator, legal counsel or victim.
- 4. Have victim sign Restitution Plan.
- 5. Insure that victim knows he has 24 hours to change his mind relevant to the agreement.

C. RESTITUTION MONITORING

1. Community Service or Victim Service

- a. Make telephone contact with victim to monitor youth's attendance on first day of direct service or to inform victim of youth's first day of community service.
- b. Maintain weekly contact with victim to monitor restitution progress.
- c. Review case weekly with Assistant Director and Juvenile Case Manager.

2. Monetary

- a. As appropriate, contact victim upon the mailing of the first monetary payment.
- b. Maintain weekly contact with victim to monitor restitution progress.
- c. Review case weekly with Assistant Director and Juvenile Case Manager.

D. SERVICE DELIVERY

1. As appropriate, record the victim's need of other services at the time of the personal interview.
2. Act as a coordinator for the delivery of human services by putting the victim in touch with appropriate service agencies.
3. Monitor service delivery and revise the victim's needs listing as required.
4. Verify continued service needs at time of termination interview.

E. TERMINATION

1. Determine completion of agreement.
2. Schedule termination interview.
3. Conduct termination interview.
4. Record contact in case file.
5. Transfer terminated case to Assistant Director for closure.

ADMINISTRATIVE

I. CASE RECORDS PROCEDURES

The material in this section relates to the process followed in acceptance of a referred case, creation of the initial file, recording of pertinent data during the life of the case and case closure. The documentation is presented in sequential order, referenced to the relevant unit or individual involved at that step in the process.

A. Administration

1. Open mail and secure referred cases.
2. Enter on "Case Referral Log" (TRA 1-1)
3. Complete appropriate portions of "Juvenile Master File Index" (TRA 1-3).
4. Forward Juvenile Master File Index, Petition, and Court Order to Assistant Director.

B. Assistant Director

1. Review referred cases and apply TRA case acceptance criteria.
 - If rejected, note date on card and the reason for rejection.
 - If accepted, note date on card and assign a Juvenile Case Manager and a Victim Case Manager.
 - Note particulars if a special case.
2. Return Master File Index card, Petition and Court Order to Administration.

C. Administration

1. Perform the following steps for rejected cases:
 - Send referral agency notice of rejection.
 - Note date of notice on index card.
 - File index card.
2. Perform the following steps for accepted cases:
 - Assign case the next number from "File Number Assignment Sheet (TRA 1-2)
 - Complete "Case Referral Log" (TRA 1-1)
 - Note file number of "Juvenile Master File Index"
 - Enter file number on Administrative Case Log.
 - Send letter of acceptance to referral agency and note on card.
 - Copy petition and court order for Victim Case Manager.
 - Complete "Court Screening Form" (TRA 3-2)
 - Set up Juvenile and Victim File Folders
 - Complete top of Victim and Juvenile File Index (TRA 3-1, 2-1)
 - Complete appropriate sections of "Victim Master File Index (TRA 1-4)
 - Enter file numbers on "Central File Index"
 - File Juvenile Master File Index Card
 - Sign out Juvenile and Offender File Folders to respective case managers.
 - Deliver folder to Juvenile Case Manager
 - Deliver folder to Victim Case Manager

D. Victim Case Manager

1. Receive Victim Case folder from administration and check alphabetical pre-screen file.
2. Proceed with the following steps if case has not been pre-screened:
 - Note on Victim Card
 - File Victim Card
 - Initiate loss documentation procedures
3. Proceed with following steps if case has been pre-screened:
 - Pull the Value of Loss Document (TRA 3-9), the Victim Interview (TRA 3-6) and the Victim Letter (TRA 3-3) from the Pre-Screened case file.

- Enter those documents into the victim file in the appropriate place.
- Note pre-screening on Victim Master File Index Card.
- File index card.
- Proceed with case processing and management and enter appropriate forms into the victim file in the order shown on the file jacket.
- Record entry of each form on the file index (TRA 3-1)

E. Juvenile Case Manager

1. Receive Juvenile Case folder from Administration.
2. Proceed with case processing and enter appropriate forms into the file in the order shown on the file jacket.
3. Record entry of each form on the file index (TRA 2-1)
4. Prepare IPA intake form.
 - Copy IPA intake form and insert into the Juvenile file.
 - Forward original IPA intake form to Administration.

F. Administration

1. Receive IPA intake form.
2. Copy IPA intake form and insert in monthly IPA folder
3. Prepare juvenile and victim payment cards (TRA 1-5, 1-6)
4. Mail all original forms to IPA the following Monday.

G. Administration

1. Receive first money order from juvenile.
 - Prepare receipt for juvenile
 - Enter payment on Offender and Victim Payment cards
 - Enter payment on Payment Log
 - Prepare letter to victim and forward with the payment
 - Enter a copy of the payment letter and money order in both juvenile and victim case files.
 - Process additional payments from juvenile in the same manner during life of case.
 - Record Community Service hours worked in both the Payments Log and on the Juvenile Payment card.

H. Juvenile Case Manager

1. Complete termination interview with juvenile and parents. Enter TRA 2-17 and 2-18 in file.
2. Prepare and process the following:
 - Complete the IPA closure form
 - Copy IPA closure form and insert in juvenile file
 - Forward original IPA closure form to Administration
 - Turn over case file to the Assistant Director for closure

I. Victim Case Manager

1. Complete termination interview with victim. Enter TRA 3-7 into file.
2. Turn over case file to the Assistant Director for closure.

J. Assistant Director

1. Receive juvenile and victim file folders from the respective unit case managers.
2. Review files for completeness and accuracy.
3. Close file and note on both the individual file index and Master File Index Card.
4. Return file folders to file.

K. Administration

1. Receive IPA closure form
2. Copy IPA Closure form and insert into monthly folder.

II. RESTITUTION PAYMENT PROCESS

The following procedures are to be followed in the handling of payments processed in accordance with the restitution plans established and agreed upon.

A. Community Service Hours

Casemanagers must forward all service hours worked on a case to the Administrative Coordinator on Friday of each week. The hours should be submitted on the form entitled "Community Service Hours" (TRA 2-12) Upon receipt of the TRA 2-12, the hours are recorded on the juvenile payment card and entered into the Payment Log.

B. General Juvenile Employment

Case Managers must submit a "General Juvenile Employment form (TRA 2-11) to the Administrative Coordinator on Friday of each week. These are then processed for payment in the same manner as any other bill and a copy is placed in the juvenile file. Upon receipt of the check, Administration records its processing and turns it over to the appropriate Juvenile Case Manager. The case manager then turns over the check to the juvenile.

C. Monetary Payments

In processing monetary payments the juvenile, accompanied as appropriate by the Case Manager, turns over the money order to the Administrative Coordinator. Money orders should be properly filled out showing victim's name as the payee and the juvenile's name as the payer.

1. Pull the victim and offender payment cards and enter the date, amount paid and new balance on both. If there are multiple offenders and/or multiple victims, indicate who the payment was from or to.
2. Log appropriate information in payments log.
3. Type juvenile's file number at bottom of money order.
4. Make out a receipt for the juvenile; give him/her the original and retain the copy for his/her file.
5. Type letter to the victim indicating amount enclosed and new balance.
6. Attach the copy of the offender's receipt to one carbon copy of victim letter and place it in the offender file. Attach the copy of the money order to the second carbon copy of the victim letter and place it in the victim's file.

FORMS

FORMSI. ADMINISTRATION

Case Referral Log	TRA 1-1
File Number Assignment Sheet	TRA 1-2
Juvenile Master File Index	TRA 1-3
Victim Master File Index	TRA 1-4
Offender Payment Card	TRA 1-5
Victim Payment Card	TRA 1-6
Worker Activity Log	TRA 1-7
Active Case Log	TRA 1-8

II. JUVENILE UNIT

Juvenile File Index	TRA 2-1
Juvenile Answer Sheet	TRA 2-2
IPA Individual Intake Statistical Report	Form I
Attorney Referral Form	TRA 2-3
Notice of Mediation Hearing	TRA 2-4
Parental Waiver	TRA 2-5
Information Release	TRA 2-6
Point Agreement Form	TRA 2-7
Mediation Release	TRA 2-8
Restitution Plan	TRA 2-9
Work/Placement Conditions	TRA 2-10
General Juvenile Employment	TRA 2-11
Community Service Hours	TRA 2-12
Notice of Warning	TRA 2-13
Notice of Termination Hearing	TRA 2-14
Notice of Completion	TRA 2-15
Completion Letter to Referral Agency	TRA 2-16
Parents Termination Interview	TRA 2-17
Client Termination Interview	TRA 2-18
IPA Case Closure Statistical Report	Form C
Monthly Status Report	TRA 2-19

III. VICTIM UNIT

Victim File Index	TRA 3-1
Court Screening Form	TRA 3-2
Pre-Screen Letter to Victim	TRA 3-3
Referred Case Letter to Victim	TRA 3-4
Referred Case with Pre-Screen *	TRA 3-5
Victim Interview	TRA 3-6
Victim Termination Interview	TRA 3-7
Pre-Adjudication Screening Form	TRA 3-8
Value of Loss Document	TRA 3-9
Loss Screening Log	TRA 3-10

* To be developed

CONTINUED

1 OF 2

FILE NUMBER ASSIGNMENT SHEET

REGULAR

SPECIAL

JUVENILEVICTIMJUVENILEVICTIM

JUVENILE MASTER FILE INDEX

JUVENILE NAME:

FILE NUMBER:

DATE REFERRED:

JUVENILE CM:

DATE TERMINATED:

VICTIM CM:

ACTION: ACCEPTED ____ REJECTED ____ REFERRAL SOURCE NOTIFIED ____

COMMENTS:

TRA 1-3 (10/79)

VICTIM MASTER FILE INDEX

VICTIM NAME:

FILE NUMBER:

DATE REFERRED:

VICTIM CM:

DATE TERMINATED:

JUVENILE CM:

PRESCREENED: NO ____ YES ____ DATE _____

TRA 1-4 (10/79)

Offender: 89
 Referring Agency:
 Case Manager:

Codefendants:
 Victim(s):

Restitution:

Payment Sent	Amount	Balance	Sent to	Payment Sent	Amount	Balance	Sent to
TRA 1-5							

Victim:

Offender(s):
 Restitution:

Date	Amount	Balance	From	Date	Amount	Balance	From
TRA 1-6							

TRA 1-7 (10/79)

Review Date

Review Date

[illegible]

CLIENT NAME:
ADDRESS:
TELEPHONE:

COUNTY:

FILE NUMBER:
JUVENILE CASE MANAGER:
VICTIM:
ATTORNEY:
PARENTS:

OFFENSE: _____
AMOUNT AND TYPE OF RESTITUTION: _____
NAME, TELEPHONE NUMBER OF JOB PLACEMENT _____
SUPERVISOR: _____

DATE

_____	Referral - From _____
_____	Attorney Referral Form Sent
_____	Incident Report Received
_____	Documentation of Loss
_____	Petition Received
_____	Court Order Received
_____	Initial Juvenile Interview Held
_____	Medical Records Received
_____	Psychological Profile Received
_____	School Records Received
_____	Juvenile Answer Sheet Completed
_____	IPA Intake Completed
_____	Mediation Held
_____	Attorney Notice of Mediation Sent
_____	Parental Waiver of Right to Be Present Signed
_____	Information Release Signed
_____	Point Agreement Signed
_____	Mediation Release Signed
_____	Restitution Plan Signed
_____	Plan Revision(s) Signed
_____	Work Placement Condition
_____	Attorney Notice of Warning Sent
_____	Attorney Notice of Termination Hearing Sent
_____	Refer Back
_____	Restitutiton Successfully Completed
_____	Completion Letters Sent
_____	Parent Termination Interview
_____	Juvenile Termination Interview
_____	IPA Closure Completed
_____	Case Terminated (Case Worker Notes Inserted)

JUVENILE ANSWER SHEET

NAME _____ TELEPHONE _____

ADDRESS _____

SEX: MALE _____ FEMALE _____ AGE _____ RACE _____

FAMILY STATUS: Living with parents _____ Living with other relatives _____
Living with mother _____ Living in Foster Care _____
Living with father _____ Living in Group Home _____
Other; Spec. _____

Parents Are: Married _____ Widowed _____
Separated _____ Divorced but living together _____
Divorced _____ Other: specify _____

No. of Children in Family _____
Rank in Family _____

Family Income _____
Source of Family Income: Head of Household working _____
Both Parents working _____
Head of Household Unemploy _____
Both Parents unemployed _____
AFDC _____
Child Support _____
City Welfare _____
Other, specify _____

Working members Occupation(s): _____

Is the youth working? Yes _____ ; No _____ : Specify _____

Educational Level completed _____
Currently Enrolled in School. Yes _____ ; No _____ ; Which school _____
Track: College _____ If not enrolled, Why? _____
General _____
Vocational _____
Commercial _____

Any significant medical problems: _____

Prior Juvenile Record
Ever been arrested?: Yes _____ ; No _____ ;
ARREST CHARGES CONVICTED DISPOSITION; specifications
DATE _____

FORM I (INDIVIDUAL INTAKE STATISTICAL REPORT) PROJECT

(City or County & State)

INSTRUCTIONS: Fill out one form for each youth. At the end of each week, send completed forms to the INSTITUTE OF POLICY ANALYSIS, 777 High Street, Suite 222, Eugene, Oregon, 97401, (503-485-2282). You may wish to copy the form and keep one for your records.

Court File # _____

Restitution File # _____

Date of Referral
to Program

mo da yr

Evaluation Group _____

New Referral _____

Return Referral _____

1. OFFENDER INFORMATION

Date of Birth:

mo da yr

Sex:

1. Male

2. Female

Race:

1. White

2. Black

Other (_____)

Number of prior court referrals
for delinquent offenses _____

2. OFFENSE INFORMATION (Current Charge)

Offense Code or Type _____

Date of Offense

mo da yr

How many victims were there? _____

How many other referrals to
the restitution project were
involved in the same offense?Description of offense: _____

3. TYPE OF VICTIM

____ Person

____ Household

____ School of Public Property

____ Store or Business

____ Other (_____)

4. VICTIM LOSS FROM THIS OFFENSE

Actual amount documented loss \$ _____

Total amount recovered or paid
by other sources, not counting
restitution from this offender \$ _____Amount of restitution already
paid by or on behalf of this
offender (if any) \$ _____

5. COURT ACTIONS (Check all that apply)

____ Restitution

____ Court probation

____ Informal court supervision

____ Non-secure out-of-home placement

____ Secure facility (# OF DAYS _____)

____ Commitment to state corrections
agency

____ Counselling

____ Other (_____)

6. DEVELOPMENT OF THE RESTITUTION

PLAN (Check all that apply)

____ Interviewed victim to document loss

____ Face-to-face negotiation meetings
(victim and offender)

____ Other (_____)

(INFORMATION REPORT CONTINUED ON BACK)

FORM I (INDIVIDUAL INTAKE STATISTICAL REPORT)

7. DETAILS OF THE RESTITUTION PLAN

Type of Restitution	Project Recommendation	Ordered by the Court	Expected Date to Begin Work	Expected Date to Complete
Monetary Restitution	\$ _____	\$ _____	mo da yr	mo da yr
Unpaid Community Service Hours	_____	_____	mo da yr	mo da yr
Victim Service Hours	_____	_____	mo da yr	mo da yr

(Other details, placements, comments): _____

8. SOURCE OF MONETARY RESTITUTION

\$ _____ from youth
 \$ _____ from parents/family
 \$ _____ from other (_____)

**11. OTHER PROJECT ACTIONS/SERVICES
 IN RELATION TO THIS CASE:**

9. SOURCE OF YOUTH'S RESTITUTION FUNDS

_____ Employment found by youth
 _____ Employment found by project
 _____ Employment found by other
 _____ Youth's savings (\$ _____)
 _____ Other (_____)

10. TYPE OF EMPLOYMENT, WORK, OR SERVICE

_____ CETA position
 _____ Subsidized employment
 _____ Regular employment
 _____ Victim service
 _____ Unpaid community service
 _____ Other (_____)

Are project personnel involved in on-site supervision of the work?

_____ YES

_____ NO

ATTORNEY REFERRAL FORM

FARRELL & BRUNETTE
P.O. Box 413 DTS
Portland, Maine 04112

Referral Date:

CLIENT INFORMATION

Name:

Address:

Telephone no.:

PARENT OR GUARDIAN INFORMATION

Name:

Address:

Telephone No.:

OFFENSE INFORMATION

Court:

Offense Adjudicated:

Disposition and date of disposition:

Date of Offense:

Probation Officer:

Prosecution Officer:

Defense Attorney:

VICTIM INFORMATION

Name:

Address:

Telephone No.:

RESTITUTION ALTERNATIVE INFORMATION

Responsible Case Worker:

File Number:

COMMENTS

NOTICE OF MEDIATION HEARING

Farrell & Brunette

Dated:

P.O. Box 413 DTS

Portland, Maine 04112

Name of Juvenile:

Date of Hearing:

Place of Hearing:

Time of Hearing:

Name of Mediator:

Comments:

PARENTAL WAIVER

I _____ hereby waive my
right to be present at the mediation session with
_____, conducted
by the Restitution Alternative. I designate

to represent me at the mediation session.

I am aware that the mediated contract arrived at will
remain tentative until approved and initialled by me.

Signature

Date

INFORMATION RELEASE

THE RESTITUTION ALTERNATIVE

I, _____, hereby give my
permission to _____ to release to
the Restitution Alternative any and all information
they may have concerning _____

_____.

Signed _____

Date _____

Witness _____

Parent or guardian _____

POINT AGREEMENT FORM

I agree to follow the recommendations for service employment outlined in the restitution plan.

I understand that if:

I do not keep an appointment.

I am late for appointments twice.

I lose my job (quit).

I miss a scheduled payment.

I miss my service placement.

I am late twice for my service placement.

I violate a specific condition of my contract.

I may be considered to be in violation of my contract and my case may be referred back to _____

_____ without my consent. I am entitled

to a hearing before this occurs, and I may be repre-

sented by legal counsel without charge at that

hearing. The Restitution Alternative will arrange

legal counsel at my request.

Juvenile _____

Parent _____

Witness _____

Date _____

MEDIATION RELEASE

We, the undersigned, agree that the information gathered in this mediation session will remain privileged and confidential and shall under no circumstances be admissible in any manner, at any time, for any purpose, in any civil or criminal suit connected with the offense being discussed.

Date

Signatures:

Victims or Victim Advocate

Juvenile

Parent or Guardian

Program Staff

Mediator

Witness

RESTITUTION PLAN

JUVENILE:

DATE PREPARED:

OFFENSE:

DATE OF OFFENSE:

OFFICIAL VERSION OF INCIDENT:RESTITUTION REACTION:CLIENT ABILITY TO MAKE RESTITUTION:RESTITUTION PLAN:

Failure to Complete Plan:

In the event that the juvenile, without good cause, fails to complete the restitution plan, his/her case may be referred back to his/her juvenile probation officer with a recommendation that the juvenile's probation be revoked.

WE HAVE EACH READ THE ABOVE PLAN BEFORE SIGNING IT.

Client Signature

Victim Signature

Parent Signature

Mediator Signature

Case Manager Signature

Date

WORK/PLACEMENT CONDITIONS

TO:

FROM: THE RESTITUTION ALTERNATIVE

SUBJECT: Referral for monetary restitution/Community
Service Restitution.

Name _____

Number of Hours _____ Time span _____

Where is the work: _____

What is to be done: _____

When will s/he work: _____

When will the work begin: _____

What will the salary be (if applicable) _____

Supervisor's name: _____

Date completed _____

Supervisor's signature _____

Supervisor's comments:

GENERAL JUVENILE EMPLOYMENT

NAME:

FILE #:

WEEK ENDING:

WORK PERFORMED:

WHERE PERFORMED:

SUPERVISOR:

NUMBER OF HOURS:

Monday	_____
Tuesday	_____
Wednesday	_____
Thursday	_____
Friday	_____
Saturday	_____

Juvenile

Supervisor

COMMUNITY SERVICE HOURS

NAME: _____

WEEK ENDING _____

WORK PERFORMED: _____

WHERE PERFORMED: _____

SUPERVISOR: _____

NUMBER OF HOURS:

Monday	_____
Tuesday	_____
Wednesday	_____
Thursday	_____
Friday	_____
Saturday	_____

Juvenile_____
Supervisor

NOTICE OF WARNING

Farrell & Brunette

Dated:

P.O. Box 413 DTS

Portland, Maine 04112

The following juvenile has been warned that additional violations of his plan may result in a Termination Hearing.

Name of Juvenile:

Nature of Violation (s):

NOTICE OF TERMINATION HEARING

Farrell & Brunette

Dated:

P.O. Box 413 DTS

Portland, Maine 04112

Name of Juvenile:

Date of Hearing:

Place of Hearing:

Time of Hearing:

Comments:

NOTICE OF COMPLETION

Farrell & Brunette

Dated:

P.O. Box 413 DTS

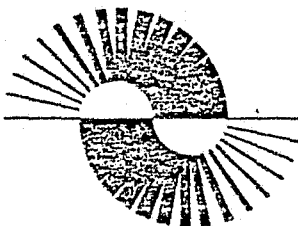
Portland, Maine 04112

Name of Juvenile:

Date of Completion:

Name of Case Worker:

Comments:



TO:

FROM: The Restitution Alternative

RE:
Docket #

This is to inform you that on _____, 19____, _____
satisfied his restitution contract.

____ 1. _____ completed _____ hours of community service
work at _____ performing the following tasks:
_____, _____, _____,
equal to the amount of \$_____.

____ 2. Paid back his monetary restitution from money earned while employed
by _____.

____ 3. Worked _____ hours for _____, the victim(s)
involved in this case, performing the following tasks:

- (a)
- (b)
- (c)
- (d)

If you have any questions, please feel free to call at 774-5996 or write.

Sincerely,

Juvenile Case Manager

TRA 2-16 (10/79)

PARENTS' TERMINATION INTERVIEW

I am going to describe to you briefly three types of restitution. For each one I would like you to tell me whether you think it is a good or a poor idea.

1. The first type is financial restitution where offenders pay money that goes back to victims for losses caused by the crime. Do you think this is a good idea or a poor idea?
2. The second type is where the offender makes restitution by performing service for the victim; for example, repairing damage cause during the incident. Is this a good idea or a poor idea?
3. The last type is where offenders make restitution by performing service for the community such as cleaning up parks or working at the Boy's Club. How about this, is it a good idea or a poor idea?
4. Now of these three types which do you think is the best idea?
5. Of the remaining two, which is the better idea?
6. What about in your child's case, which one do you think is the most appropriate?
7. People have different ideas about the purpose of restitution. What do you think is the most important purpose? Anything else?
8. What about in your child's case? Do you think restitution is a good idea or a poor idea? Why?
9. Do you feel that you were adequately involved with the process?

YESNO
10. If no, how do you think we could have included you more effectively?
11. What about in your case? Do you think restitution is a good idea or not a good idea? Why?
12. Considering what happened in the incident(s), do you think the amount of restitution was too much, too little, or about right?
13. How satisfied are you with the service provided by TRA? Use a scale of one to five. One equals totally dissatisfied; five equals totally satisfied.
14. Do you have any suggestions about ways that the service might be improved?

JUVENILE TERMINATION INTERVIEW

I'm going to describe to you three types of restitution. For each one I would like you to tell me whether you think it is a good idea or a poor idea.

1. The first type is financial restitution where offenders pay money that goes back to victims for losses caused by the crime. Do you think this is a good idea or a poor idea?

2. The second type is where offenders make restitution by performing service for victims; for example, repairing damage caused during the incident. Is this a good idea or a poor idea?

3. The last type is where offenders make restitution by performing service for the community such as cleaning up parks or working at the Boys Club. How about this, is it a good idea or a poor idea?

4. Now, of these three types, which do you think is the best idea?

5. Of the remaining two, which is the better idea?

6. Which is best for you?

7. People have different ideas about the purposes of restitution. What do you think is its most important purpose? Anythin else?

8. What about in you case? Do you think restitution is a good idea or not a good idea? Why?

9. Considering what happened in the incident(s), do you think the amount of restitution was too much, too little, or about right?

10. How satisfied are you with the service provided by TRA? Use a scale of one to five. One equals totally dissatisfied; Five equals totally satisfied.

11. Do you have any suggestions about ways that the service might be improved?

2-79

City or County & State

INSTRUCTIONS: One of these forms should be completed on each youth referred to the project. The form should be filled out after the restitution project has closed the case and completed forms sent once each week to the INSTITUTE OF POLICY ANALYSIS, 777 High Street, Suite 222, Eugene, Oregon 97401 (503-485-2232). You should copy the form and keep one for your records.

Restitution File # _____

Court File # _____

Date of Referral
to Program mo day yearDate of Closure
from Program mo day year

Evaluation Group _____

1. FINAL RESTITUTION AMOUNTS

Amount of monetary
restitution paid \$ _____Number of unpaid com-
munity service hours _____Number of victim
service hours _____Other (_____)
_____)

2. SOURCE OF MONETARY RESTITUTION

\$ _____ from youth [to victim or to
repay loan]

\$ _____ from parents/family to victim

\$ _____ from other to victim
(_____)

3. SOURCE OF YOUTH'S RESTITUTION FUNDS

\$ _____ employment found by youth

\$ _____ employment found by project

\$ _____ employment found by others

\$ _____ youth's savings

\$ _____ other (_____)
_____)

4. YOUTH'S EARNINGS

How many dollars did the youth earn and
keep from employment listed in item 3?\$ _____ \$ _____
(total earned) (amount kept)How much of the youth's total
earnings listed above was paid from
project funds (i.e., a subsidy)?

\$ _____

5. REASON FOR CLOSING CASE

Completions:

_____ full compliance with original
restitution requirements_____ full compliance with adjusted
restitution requirements_____ other (_____)
_____)

Incompletions:

_____ youth never had position

_____ youth lost position(s)

_____ youth unsuccessful in meeting
restitution requirements_____ other (_____)
_____)

6. RECONTACT WITH COURT

Were there any subsequent court actions
for non-compliance with the restitution
requirements?

_____ NO _____ YES (# of times _____)

Since this referral to the project, has
the youth been re-referred to the court
for a subsequent offense?

_____ NO _____ YES

[IF YES] Offense date: mo day yr

[IF YES] Offense code: _____

7. CURRENT COURT STATUS OF THE YOUTH

(check all that apply)

- _____ no longer under court jurisdiction
_____ on probation
_____ court review scheduled

DATE:

mo day year

other (_____)

How many days did this youth spend in a secure facility between project intake and case closure?

8. CURRENT LIVING SITUATION

- ☐ living with family, guardian, relatives
- ☐ non-secure out-of-home placement
- ☐ secure facility
- ☐ other ()

9. CURRENT EMPLOYMENT SITUATION

- not employed (does not want work)
 unemployed (wants to work, but has
 no position)
 other (

employed [IF EMPLOYED, CHECK ONE
OF THE FOLLOWING ENTRIES]

- _____ restitution job continuing
 _____ other position obtained
 _____ through project
 _____ position obtained by youth
 _____ other (

10. CURRENT PROJECT STATUS OF THE YOUTH

- _____ all project involvement with the
referral is completed
- _____ project will continue to follow
this case for _____ # of days
- [FOR WHAT PURPOSE?

11. OTHER INFORMATION

FORM COMPLETED BY:

ASE MANAGER:

RESTITUTION ALTERNATIVE
MONTHLY STATUS REPORT

ACTIVITY FOR THE
MONTH OF

DATE ASSIGNED

NAME

ADDRESS

PHONE NUMBER

DATE INTAKE
COMPLETED

TOTAL COMMUNITY
SERVICE HOURS
ORDERED

TOTAL C.S. HOURS
COMPLETED TO DATE

TOTAL \$ VALUE OF
RESTITUTION ORDER

TOTAL \$ VALUE
PAID TO DATE

DATE TERMINATED

ADDITIONAL REMARKS

TNA 2 10 / 10/701

VICTIM FILE INDEX

VICTIM NAME:
ADDRESS:
TELEPHONE:

OFFENSE:
VICTIM CASE MANAGER:
JUVENILE CASE MANAGER:

CO-VICTIMS:

AMOUNT AND TYPE OF RESTITUTION:

PAYMENT PLAN: AMOUNT _____ TO BE DELIVERED _____

DATE

____ Date of Referral
____ Court Screening Form Received
____ Incident Report Received
____ Follow-up Investigation Report Received
____ Petition Received
____ Court Order Received

____ Case Pre-Screened
____ Victim Letter Sent
____ Initial Telephone Contact
____ Victim Interview Held
____ Value of Loss Document Completed
____ Service Referrals Made

____ Mediation Held
____ Restitution Plan Signed
____ Plan Revision(s)

____ First Payment Forwarded
____ Last Payment Forwarded
____ Termination Interview Completed
____ Case Terminated (Case Worker Notes Inserted)

COURT SCREENING FORM

DATE OF REFERRAL:

FILE NUMBER:

DEFENDANTS' NAMES:

DATE FORM COMPLETED:

OFFENSE:

DATE OF OFFENSE:

COMPLAINT NUMBER:

VICTIM'S NAME:

ADDRESS:

PHONE:

STATUS OF PROCEEDINGS: ADJUDICATED _____ CONTINUED _____

OTHER (specify) _____

COMMENTS: _____

DATE DUE BACK IN COURT:

JUDGE:

INTAKE WORKER:

PHONE:

YOUTH AID OFFICER:

PHONE:

DISTRICT ATTORNEY:

PHONE:

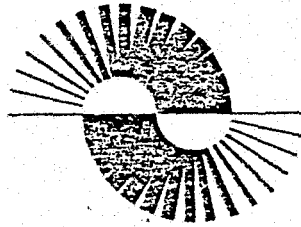
DEFENSE ATTORNEY:

PHONE:

PROBATION OFFICER:

PHONE:

COMMENTS:



The Restitution Alternative has been requested to assist the Court in documenting the damages incurred by you as a result of a recent criminal offense.

I am the Victim Assistance Coordinator and my function is to aid you in documenting the losses which you have suffered as a result of this offense and for which you have not been compensated by insurance.

While your particular case has not been formally referred to the program at this time, and we are thus unable to assure you of restitution for your loss, we would like to provide the court with an accurate damage report. I have enclosed a more detailed explanation of the purposes of our program for your information.

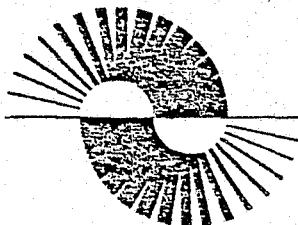
I will contact you shortly in order to arrange a meeting to discuss ways in which I might be of assistance to you.

Sincerely,

Victim Assistance Coordinator

Enclosure

TRA 3-3 (10/79)



On _____, the juvenile defendant in your case was referred to this restitution program.

I am the Victim Assistance Coordinator and my function is to aid you in documenting and obtaining restitution for losses which you have suffered as a result of this offense and for which you have not been compensated by insurance. I am also available to assist you with any social service needs you may have.

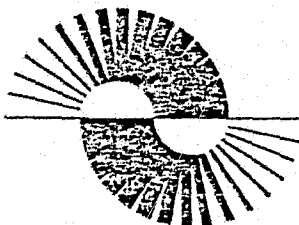
Enclosed please find a more detailed explanation of the purposes and processes of our program.

I will contact you shortly in order to arrange a meeting to discuss ways in which I might be of assistance to you.

Sincerely,

Victim Assistance Coordinator

Enclosure



On _____, we met regarding the loss you incurred as the result of the commission of a criminal offense.

Subsequent to our presentation of the documentation of your loss, the Court referred the defendant in your case to this restitution program. Our role is now one of obtaining restitution for your loss from the juvenile offender involved.

I will contact you shortly to arrange a meeting to explain the process by which this restitution will be brought about.

Sincerely,

Victim Assistance Coordinator

VICTIM INTERVIEW

VICTIM NAME:
ADDRESS:
TELEPHONE:

FILE NUMBER:
DATE OF INTERVIEW:
VICTIM CASE MANAGER:

TYPE OF VICTIM: Private Citizen _____ Corporation (specify type) _____

AGE: _____ SEX: _____ YEARLY INCOME _____

PREVIOUSLY VICTIMIZED: YES _____ NO _____ NUMBER OF TIMES _____

TYPE OF PRIOR VICTIMIZATION: _____

CURRENT OFFENSE: _____ COMMITTED BY: _____

INVESTIGATING OFFICER(S): _____ DEPARTMENT: _____

VICTIM'S DESCRIPTION OF INCIDENT: _____

LOSS: A. Damage or Items Stolen: _____

B. Recovered: _____

C. Insurance: Yes _____ No _____

1) Company: _____ 2) Agent: _____

3) Deductible: _____ 4) Limitation on Coverage: _____

PHYSICAL INJURY

A. Expenses:

VICTIM NEEDS RESULTING FROM OFFENSE: _____

ADDITIONAL SERVICE NEEDS: _____

SERVICES PROVIDED OR REFERRALS MADE: _____

VICTIM ATTITUDE TOWARD RESTITUTION: _____

WOULD ATTEND MEDIATION: YES _____ NO _____

ISSUES VICTIM DESIRES TO RESOLVE AT MEDIATION: _____

VICTIM TERMINATION INTERVIEW

NAME _____

FILE NUMBER _____

OFFENSE _____

DOCUMENTED AMOUNT OF LOSS _____

AMOUNT - TYPE OF RESTITUTION _____

BUSINESS LOSS _____ PERSONAL LOSS _____

Were you satisfied with the type and amount of restitution agreed upon in your case?

_____ Why or why not? _____

In your case, do you think it is beneficial for the youth to have made restitution as opposed to having spent time in a correctional institution? _____

Why or why not? _____

How satisfied are you with our services? _____

Do you have any suggestions for improvement? _____

What do you think the most important purpose of restitution is? _____

Generally speaking, how do you feel about the three different types of restitution; financial, direct service, and community service? _____

Any additional comments?

PREADJUDICATION SCREENING FORM

SCREENED BY: _____ DATE: _____ CASE WORKER: _____

VICTIM: _____ DOCKET NUMBER _____

JUVENILE: _____ D.O.B. _____ ATTORNEY _____

OFFENSE: _____ DATE OF OFFENSE: _____ PETITIONER: _____

DATE OF ARRAIGNMENT: _____ DATE OF HEARING: _____

_____ Letter to Victim

_____ Telephone Contact

_____ Interview

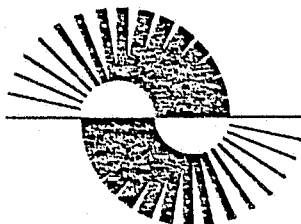
_____ Value of Loss Document Completed

_____ Value of Loss Document Presented to Court

_____ Disposition _____

_____ Referral to The Restitution Alternative - File Number _____

_____ Letter to Victim on Disposition if NO REFERRAL



VALUE OF LOSS DOCUMENT

I. IDENTIFICATION INFORMATION

Case Number:

Defendant:

Victim:

Date Prepared:

T.R.A. Staff:

T.R.A. File Number:

Arresting Officer:

II. VICTIM'S STATEMENT OF OCCURRENCE:

III. LOSS EVALUATION (Attach additional sheets as required)

<u>DESCRIPTION</u>	<u>ACQUISITION COST</u>	<u>ADJUSTMENT FACTOR</u>	<u>ADJUSTED VALUE</u>	<u>FAIR MARKET VALUE</u>	<u>RESTITUTION VALUE</u>
1. _____	_____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____	_____
4. _____	_____	_____	_____	_____	_____
5. _____	_____	_____	_____	_____	_____
6. _____	_____	_____	_____	_____	_____
7. _____	_____	_____	_____	_____	_____
8. _____	_____	_____	_____	_____	_____

	<u>DESCRIPTION</u>	ACQUISITION COST	ADJUSTMENT FACTOR	ADJUSTED VALUE	FAIR MARKET VALUE	RESTITUTION VALUE
9.						
10.						
11.						
12.						
13.						
14.						
15.						
16.						
17.						
18.						

EXPLANATION OF VALUATION (Narrative statement of loss rationale)

9.	
10.	
11.	
12.	
13.	
14.	
15.	
16.	
17.	
18.	

THE RESTITUTION ALTERNATIVE
VALUE OF LOSS DOCUMENT
PAGE 2

EXPLANATION OF VALUATION (Narrative statement of loss rationale)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

IV. RESTITUTION PAYMENT

Restitution Value:	_____
Insurance Claim:	- _____
Difference:	_____
Insurance Deductible	+ _____
Restitution Payment	=====

**Insurance claim is calculated as insurance loss value before any deductible.

SIN, SICKNESS, RESTITUTION-
Toward a Reconciliative Correctional Model

Burt Galaway and Joe Hudson

Introduction

Contemporary correctional systems commonly appear to function with questionable effectiveness and ambiguous and contradictory purposes. Caught in a cross-fire of public demands, correctional systems are unsure of their direction and engage in a variety of inconsistent practices. To a considerable extent, this confusion results from the failure of correctional workers to explicitly identify conceptual models underlying practice considerations. In particular, some of the confusion in assumptions held and practices implemented by correctional workers springs from a failure to separate the different contributions and major thrusts of the classical and positive schools of criminology.

In this paper the classical and positive approaches are viewed as representing conflicting ideologies which can most characteristically be termed "sin" and "disease" approaches. The major contributions of these conceptual models shall be briefly identified and a third approach, the "reconciliative" model will be developed. It is this latter conceptual approach which is viewed as providing a potentially more useful basis from which to proceed in correctional work.

The Classical or "Sin" Approach

The "sin" model essentially views the criminal act as representing a manifestation of man's evil nature. The individual offender is seen as deliberately and willfully engaging in acts against the moral order which may be of either a religious or secular nature or, as is usually the case, a combination of the two. Western society possesses a long tradition of interpreting a great deal of criminal behavior as sinful and applying sanctions consistent with this interpretation.

Three central tenets underlie the classical or "sin" position. First, individual rights and liberties are seen as in need of protection. Second, all persons are viewed as having been created with equal rights and liberties and, from this, is derived the corollary that those committing the same crimes should be punished in a similar manner. The protection of individual rights is seen as requiring the attachment to each criminal act of a definite penalty which should be invariably and swiftly inflicted. Since crime is perceived as a violation of the moral order, it then follows that the failure to quickly inflict a penalty does an injustice to both the offender and the larger society. Ideally, while punishment should be definite and invariable, it must also be limited by the "social need" which is the amount of necessary for deterring future offenses. Therefore, the amount of punishment which is to be provided relates to the specific amount seen as necessary to deter the offender from repeating the act as well as a general deterrent to other potential lawbreakers.

The classical position is more a philosophy of punishment than a theory of causality. However, inherent in this position are a number of assumptions about the nature of man. Man is assumed to be a rational being, hedonistically balancing pleasure and pain. Therefore, criminal behavior is seen as representing the exercise of reason and free-will in a morally irresponsible manner. If a definite penalty is to be invariably inflicted, it is assumed that individuals will take this into account in their decision making and, as a consequence, be deterred from the commission of crimes. On this point, a continuing challenge for the classicalists has been one of specifying the definite and invariable penalty should be designed to provide the social utility of deterrence, individual liberties are to be protected by procedural rights prohibiting the arbitrary application of punishment.

Many contemporary legal and correctional practices draw from the classical tradition. Procedural safeguards to protect individual rights follow directly from this tradition. Current arguments for the extension of procedural rights to protect offenders from the arbitrary disposition of corrections officials are reminiscent of the early classicalists' arguments to limit the use of torture and other arbitrarily severe penalties. Similarly, current disenchantment with the indeterminate sentence procedure and the suggestion that it be replaced with fixed penalties for specific offenses stems from the classical school. Contemporary approaches to changing behavior as exemplified in Glasser's Reality Therapy as well as

David Matza's theoretical work in delinquency focus upon such assumptions of the classical school as man's rationality and the need for the individual to be viewed largely as a self-determining, rational, decision maker to be held responsible for his actions.

The Positive or "Disease" Approach

The "disease" or positivist model of crime and delinquency is of current familiarity to the correctional worker. A variety of writers in this tradition have attempted to explain the causes of crime on either constitutional or environmental grounds. Compared to the classical model writers in this school have tended to minimize the importance of punishment and deterrence, have paid less attention to the specific nature of the criminal act or the law and its administration and instead, have focused attention on the criminal actor in order to seek etiological explanations for behavior. From this, the consistent focus of this approach has been on developing programs aimed at the offender's treatment and rehabilitation. For those offenders not seen as amenable to treatment efforts, emphasis has been placed on containment as a form of social defense.

In its pure and perhaps extreme form, writers from the positivist school have been heavily deterministic in viewing man as fundamentally constrained and responding blindly to forces beyond his rational control. Criminality is regarded as symptomatic of an anomaly or illness and therefore cannot be understood as a quality distinct from the individual. The focus of the law is not seen as being one of determining guilt so much as applying rehabilitative measures necessary to protect society from further illegal acts by the same individual. Punishment is not heavily emphasized; however, society is seen as having the right to insist upon the treatment and, if necessary, containment of the offender.

Through its history, the positivist tradition has turned to various sources in its efforts to find causal explanation for criminal behavior. Among others, these have included intellectual defects, biological inferiority, somatotyping, and the more contemporary efforts to seek causal explanations in psychological, psychiatric, or sociological explanations. All of these attempts have two common characteristics. First, criminal behavior is sought in forces that are at least partially beyond the rational control of

the individual and thus all positivistic explanations involve some considerable degree of determinism. Secondly, these explanations have tended to involve a disease conception emphasizing the individual's lack of total responsibility for his behavior. Consequently, punishment is not generally viewed as appropriate. However, the enforced treatment of the offender can be required because of the need to protect society. As a result, treatment practices are to be undertaken by experts seen as possessing the skills and knowledge necessary to diagnose the forces leading to the criminal behavior and to prescribe the appropriate treatment in each individual case.

The positivists have formulated the principles of the indeterminant sentence and the classification of offenders have been widely accepted and underlie much of contemporary correctional practices. If the assumption is accepted that criminal behavior represents a disease or anomaly, then such practices as diagnosis and treatment tend to logically follow.

The differing emphasis of the classical or sin approach and the positivist or disease model are readily discernible. The classical tradition has emphasized man's rationality and ability to control his behavior, has tended to largely ignore the question of causality, has stressed the deterrent value of punishment and the essential freedom of man which is seen as a need of constant protection. Out of this tradition has developed a concern with safeguarding the freedom and rights of men as operationalized through procedural safeguards and limitations on penalties that can be applied for specific criminal acts. The positive tradition has stressed the role of causality and has attempted to seek explanations for criminal behavior in forces beyond the rational control of men. Criminal behavior is viewed as behavior which requires treatment and rehabilitation rather than punishment and deterrence. Treatment and the eventual rehabilitation of the offender can, however, be coerced because of the social defense needs of the society. Clearly, however, the assumption is made that such coercion is benevolent or non-punitive in nature and because of this assumption the positivists have not emphasized the role of procedural safeguards. In short, while the classicalists focussed on the law and the offender, the positivists focussed on the offender and his rehabilitation.

While the sin and disease approaches continue to exert a profound influence on much of contemporary correctional work, a third major approach

to correctional practice can be identified. This approach makes assumptions somewhat different than either the positivist or the classicalist approaches, combines some of their better features, and offers a potentially more useful basis from which to proceed in correctional practice. This third approach shall be referred to as the "reconciliative" model as this usage reflects the intended outcome of the restitutive sanctions which are imposed.

The Reconciliative Model

Prototypes of the reconciliative approach are found in many pre-modern law systems which focus on reconciling the offender and his victim through the requirement that restitution be made in order to undo the harm which has been done. Drawing analogies between primitive and modern law systems can be risky inasmuch as acts considered as crimes against a social order in modern societies may have been considered as private wrongs or torts in primitive societies. Therefore, the issue is really not one of the differential handling of crimes but instead the differential social definition of behaviors as crimes. Despite possible weaknesses with the analogy, the basic tenets of the reconciliative model being proposed here and as found in primitive law systems appear similar. The authors of a standard text in criminology have noted this similarity by noting that: "Our barbarian ancestors were wiser and more just than we are today, for they adopted the theory of restitution to the injured, whereas we have abandoned this practice, to the detriment of all concerned."

Crime, from this approach, is viewed as an indication of the estrangement of the individual from the larger society. Issues of whether this alienation is deliberate and willful on the part of the individual or results from forces beyond his control are not relevant; crime is not viewed as either a manifestation of sin or disease. Instead, the criminal act is viewed as resulting from a condition of being cut off, separated, or alienated from meaningful opportunities for social participation. Consequently, the sanctions to be imposed on the criminal actor are designed neither to deter by punishment nor to rehabilitate through treatment. Instead, restitutive sanctions are directed towards providing the offender with opportunities to neutralize the damages done and in this way to become reintegrated with the community. Restitution

might be specific and directed primarily towards the victim of the crime or may take a more general form and provide the offender with an opportunity to repay the larger society through some sort of contributed service.

The use of restitution has been suggested by writers from both the classical and positivist schools. However, in neither case was there a reconciliative rationale. For example, from the classical approach, Bentham was in favor of the restitutive sanction because of what he saw as its punitive and therefore deterrent effects. The classicalists were quite clear in their view that violations of the moral order could not be undone and that the only rational reason for punishment was to deter future offenses. The positivists, on the other hand, treated restitution as one of the three major components of their social defense proposals -- the other two being the indeterminant sentence and the classification of offenders -- but did not conceive of restitution in terms of its potential reconciliative impact on the offender. Instead, restitution was proposed as one of the reasonable steps that a society could take to defend itself from the effects of criminal behavior. If, in this deterministic view, crimes could not be prevented, a society could at least require that, whenever possible, the offender compensate the victim for his losses. Writers from both the classicalist and the positivist schools logically extended their reasoning to include proposals for publicly supported victim compensation schemes designed to provide reparations to victims where the offenders are either not apprehended or are unable to make restitution.

Reconciliative Rationale

There are at least five major reasons why restitution as the major penalty for criminal offenses - particularly crimes against property - is likely to have a reconciliative effect between the offender and the larger society of which he is a part: the restitution sanction is clear and explicit, relevant requires effort, has expiatory potential, and has the potential of engendering a positive response from others.

Clarity of Sanction. The restitution sanction is explicit and easily determined. Therefore, offenders will know at all times where they stand in relation to completing requirements of a restitution program. Likewise, this knowledge will both help reduce the offender's sense of powerlessness in relation to correction officials and the sense of being treated arbitrarily and unfairly. All too often in correctional programs, goals are not clearly and

concretely specified and thus left open to considerable discretion as to whether the offender has accomplished the objectives of a particular sanction.

The restitution sanction differs from the pre-determined sentence emphasized by the classicalists and the indeterminate sentence espoused by the positivists. Compared to the former, the restitution sanction may vary considerably from offender to offender inasmuch as it is based on the amount of damage done and is not an attempt to provide comparable sanctions for comparable offenses. Compared to the latter, the restitution sanction, while individualized for each offender, is exact and precise. Responsibility for completion of the sanction remains in the hands of the offender and does not require any external assessment as to whether he is cured or rehabilitated. In the words of Kathleen Smith, the restitution sanction is "self-determinate." Thus the restitution sanction attempts to combine the desirable features of both the classical and positive traditions - the requirements of specificity and precision from the classical tradition and the requirement of individualization of sanctions from the positive tradition.

Sanction-Related to Offense. The restitution sanction is logically and rationally related to the offense which the offender has committed. In this way, the sanction is not directed towards abstract principles such as deterrence or treatment but instead toward reuniting the estranged offender with the larger society by requiring that he undo the damage which has been done. Monetary systems provide an equitable basis for assessing the amount of damage and thus for a determination of the sanction to be provided. Even in those cases where restitution is made in the form of service to the victim or in service to the community to symbolically undo the wrong done, a monetary value can be attached to the offender's time. Relating the sanction to the amount of damage done should increase the probability of the offender accepting the sanction as fair and just. Evidence is available indicating that in order to be effective in terms of reconciliation, sanctions must be accepted as just and fair by offenders.

Increase in Offender Self Worth. The restitution sanction requires an "effortful role" on the part of the offender who must be actively involved in its completion. The offender is engaged as a participant in undoing the wrong done and is not a passive recipient of efforts directed at either his punishment or treatment. This active role should lead to a sense of

accomplishment in his ability to undo wrongs. In short, the offender is helped to develop a sense of responsibility and conception of self as a determining person rather than as a fatalistic victim of forces beyond his control. Restitution calls forth the strengths and abilities of offenders and does not focus upon "sins" and "sicknesses." This should lead to an increase in self esteem and the development of a definition of self as a capable person.

Expiation of Guilt. Guilt has been conceptualized as a motivating factor for criminal behavior. From the psychoanalytic tradition, for example, the view has been expressed that guilt generated by a punitive superego can motivate the individual toward the commission of an illegal act which then brings down upon the offender the desired punishment. This can become a self-defeating process if the only options available to the individual are renewed illegal acts leading to punishments. From an entirely different theoretical position, social psychologists of the cognitive balance schools suggests that wrong-doing creates cognitive imbalance which the wrongdoer is motivated to resolve. One way to secure resolution is to avoid reminders of the imbalanced condition which may increase the degree of estrangement as the offender attempts to avoid reminders of his illegal acts. Likewise, opportunity to undo the wrong should reduce the imbalance and thus reduce the guilt. Restitution therefore provides a practical, constructive, and realistic way by which the offender can secure reconciliation and atonement through the expiation of guilt.

The need for expiation and atonement are, of course, well recognized within practically all of the major religions. Unfortunately, this human need has received relatively little attention from correctional practitioners. An exception to this is the Alcoholics Anonymous program in which a focus is placed on undoing damages. A more recent and general focus on atonement is evident in Mowrer's Integrity Therapy approach.

Positive Societal Response. A growing body of evidence suggests that the process of estrangement is interactional as this involves a series of actions and reactions on the part of the estranged party and societal institutions. Through the effects of labeling and isolation, current criminal justice procedures increase the alienation of the offender. As offenders engage in restitutive acts, directed specifically towards their victim or the society in general, a positive response from others is likely to be generated. Fearful demands for vengeance and punishment or, alternatively, insistence on "treat-

ment" will be reduced as other people begin to respond positively to offenders who are undoing the wrongs through restitution. Individuals making restitution are likely to be seen as less threatening than individuals being punished or treated; thus, opportunities will be opened to these offenders for increased interaction resulting in a reconciliative effect.

Summary

If corrections is going to more adequately fulfill the tasks given it by society, alternative models of correctional practice need to be implemented and tested. It is no longer either feasible or sensible for correctional planners to simply advocate doing more of the same. A major thesis of this paper is that the contemporary practice of correctional work involves a curious mixture of ideas that can be traced to the classical and positivist traditions in criminological thought. In addition to the questionable nature of the basic assumptions held about the nature of the lawbreaker - as either "sinful" or "sick" - there is a lack of rigorously conducted research evidence to indicate either the effectiveness, efficiency, or essential humaneness of these practices.

A strikingly different approach to working with the lawbreaker - particularly the property offender - has been proposed in this paper. This "reconciliative model" as it is based upon restitution to the injured party reflects assumptions quite different from either the classical or positivist traditions and holds promise for the mutual reconciliation of the lawbreaker and victim. In particular, the potential benefits of this approach are that it is explicit, requires an effortful role on the part of the offender, has expiatory effects, and could generate a positive societal response. Finally, where the restitutive sanction is developed and implemented with the involvement of both the victim and the offender in a personalized and contractual relationship, the probability of labeled "victims" and "offenders" perceiving and acting toward each other as human beings with strikingly similar needs and concerns, would be heightened.

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